

MINUTES
OF THE
NATURAL RESOURCE COMMISSION
MEETING

OCTOBER 12, 2006

E. B. LYONS INTERPRETIVE CENTER
DUBUQUE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Schneider at 8:30 a.m. on Thursday, October 12, 2006, at the E. B. Lyons Interpretive Center at the Mines of Spain in Dubuque, Iowa.

MEMBERS PRESENT

Joan Schneider
Lennis Moore
Elizabeth Garst
Randy Duncan
Janice Marcantonio

MEMBERS ABSENT

Richard (Kim) Francisco
Carol Kramer

APPROVE AGENDA

Motion was made by Commissioner Duncan to approve the October 12, 2006 NRC agenda. Seconded by Commissioner Moore. Motion carried unanimously.

AGENDA APPROVED

APPROVE MINUTES

Motion was made by Commissioner Marcantonio to approve the minutes of the September 14, 2006 NRC meeting as presented. Seconded by Commissioner Duncan. Motion carried unanimously.

MINUTES APPROVED

HONEY CREEK – FINANCING DOCUMENTS

Director Vonk presented the following item.

The Director sought the Commission's approval to authorize the Department of Natural Resources to execute and acknowledge financial documents related to the Honey Creek Resort State Park Revenue Bonds (Bonds), which will be used to pay the costs of acquiring, constructing and equipping the Honey Creek Resort State Park (Park), funding capitalized interest on the Bonds, funding a debt service reserve for the Bonds, and paying the cost of issuing the Bonds. Specifically, the Department, in conjunction with the Honey Creek Premiere Destination Park Authority (Authority) and the State of Iowa Treasurer's Office, will be executing an Indenture, which is an agreement to pay back the Bonds in a prescribed manner. The Authority is comprised of the Auditor and Treasurer of the State and the Director of the Department of Management.

At the most recent meeting of the Authority on October 4, 2006, the Authority passed a resolution approving the financial documents, including the Indenture, based a number findings which are paraphrased as follows: 1) the issuance and sale of the Bonds, the execution and delivery of the Indenture, the Bond Purchase Agreement and the Disclosure Undertaking and all other acts and things required under the Constitution and laws of the State of Iowa to make the Documents and the Bonds valid and binding special, limited obligations of the Authority in accordance with their terms, are authorized by Iowa Code, Chapter 463C (Act); (2) it is desirable that the Bonds be issued by the Authority upon the terms set forth in its resolution with respect to the identification of the Trustee and the Bond Insurer, and the Indenture; (3) no prior dealings of the Authority would conflict or otherwise be in breach due to the issuance of the Bonds; (4) no litigation is threatened or pending that would question the authority of the Authority with respect to issuing the Bonds; and (5) all conditions precedent to the sale and issuance of the Bonds under the Act have been or shall have been satisfied on or before the date of issuance of the Bonds.

Principal of and interest due on the Bonds according to the terms of the Indenture shall be payable primarily from net revenues of the Park.

The Director made comments regarding the involvement of staff and others in preparing legal documents in preparation of receipt of the \$33 million plus bond package

Director Vonk reported that he recently attended the groundbreaking ceremony for the Honey Creek Resort Park. There was a large turnout of supportive local folks in attendance, as well as dignitaries and politicians. He said the Park will be a very spectacular place. Construction will soon start.

Director Vonk reviewed that throughout the whole process, the Bond Authority and DNR staffs have been meeting to take care of all the legal requirements to proceed with the issuance of the \$33+ million in bonds that the DNR is authorized to issue. He asked the Commission to authorize the Department to execute and acknowledge financial documents related to the Honey Creek Resort State Park Revenue Bonds (Bonds), which will be used to pay the costs of acquiring, constructing and equipping the Honey Creek Resort State Park (Park), funding capitalized interest on the Bonds, funding a debt service reserve for the Bonds, and paying the cost of issuing the Bonds.

Motion was made by Commissioner Garst to authorize the Department to execute and acknowledge financial documents related to the Honey Creek Resort State Park Revenue Bonds. Seconded by Commissioner Marcantonio. Motion carried unanimously.

FINANCING DOCUMENTS APPROVED

Director Vonk introduced Andrew Anderson, Attorney, who represented the Bond Counsel and worked for the Bonding Authority. Mr. Anderson commented that Honey Creek Resort is a very exciting project and noted the hard work of DNR staff, Treasurer Michael Fitzgerald, Auditor David Vaught and Director Mike Tramontina from the Department of Management in crafting the financing.

CONSTRUCTION PROJECTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Bids were opened September 15, 2006 for the following project:

Viking Lake State Park, Montgomery Co. – Gate Valve Repairs

This project consists of the removal, cleaning, repairing, reinstalling and adjusting Gate Valve in the dam control tower as shown on the drawings and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in the Lake Water Quality Improvement Fund (see capital link item #108). DNR estimate was \$25,000. Six sets of Plans were issued. Three bids were received.

TEK Builders, Inc.	Mount Ayr, IA	\$29,904.00
Jason Roberts, dba P & R Excavation	Adair, IA	\$34,900.00
Murphy Heavy Contracting Corp.	Anita, IA	\$42,985.00

Staff recommends award to TEK Builders, Inc., low bidder.

Motion was made by Commissioner Duncan to approve the contract to TEK Builders, Inc. of Mount Ayr, Iowa, in the amount of \$29,904.00 for gate valve repairs at Viking Lake State Park in Montgomery County. Seconded by Commissioner Moore. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Bids were opened September 20, 2006 for the following projects:

Sedan Bottoms WMA, Appanoose Co. – Wetland Restoration

This project consists of the restoration of four wetlands, including earth fill dikes, control structures and incidental work as required by the Plans and the DNR Construction Inspector.

Project is budgeted 100% NRCS. NRCS estimate is \$240,000 (see capital link item #40). DNR estimate is \$180,000. Fourteen sets of Plans were issued. Three bids were received.

Kamerick Dozing, Inc.	Melrose, IA	\$142,023.00
James M. Waterhouse Const.	Keota, IA	\$186,020.05
Kevin Kent Construction	Lucas, IA	\$255,808.50

Staff recommends award to Kamerick Dozing, Inc., low bidder.

Motion was made by Commissioner Marcantonio to approve the low bid of Kamerick Dozing, Inc. of Melrose, Iowa, in the amount of \$142,023.00 for wetland restoration at Sedan Bottoms Wildlife Management Area in Appanoose County. Seconded by Commissioner Garst. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Storm Lake Casino Bay Marina, Buena Vista Co. – Sewer Main Construction

This project consists of the construction of a Sanitary Sewer Forcemain at the Storm Lake Casino Bay Marina. The work includes construction of a submersible grinder pump station with a 2-inch diameter forcemain connecting to an existing City of Storm Lake manhole and all other incidental work as required by the Drawings, Plans and DNR Construction Inspector. Project is budgeted 50% Marine Fuel Tax and 50% Coast Guard funds (see capital link item #117). DNR estimate is \$75,000. Twelve sets of Plans were issued. Three bids were received.

McPeak Trenching, Inc.	LuVerne, IA	\$ 52,150.00
Schoon Construction, Inc.	Cherokee, IA	\$ 63,590.00
Lundell Construction Co., Inc.	Cherokee, IA	\$122,515.00

Staff recommends award to McPeak Trenching, Inc. low bidder.

Motion was made by Commissioner Moore to approve the low bid of McPeak Trenching, Inc. of LuVerne, Iowa, in the amount of \$52,150.00 for sewer main construction at Storm Lake Casino Bay Marina in Buena Vista County. Seconded by Commissioner Duncan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Manchester Fish Hatchery, Delaware Co. – Office/Hatchery Building Reroof

This project consists of the replacement of the existing roofing with a new metal roofing system. The project also includes new aluminum soffits and trim, a small amount of vinyl siding and the replacement of existing gable end louvers with aluminum units and other related work as required by the Plans and DNR Construction Inspector. Project is budgeted 100% in the Fish

and Wildlife Trust Fund (see capital link item #34). DNR estimate is \$ 55,000. Ten sets of Plans were issued. Six bids were received.

William W. Porter, dba Porter Construction	Independence, IA	\$55,755.00
Greenley Development Co., Inc.	Independence, IA	\$55,970.00
Dallas Construction Corp.	DeSoto, IA	\$59,950.00
Loecke Building Services, Inc.	Manchester, IA	\$63,280.00
RoJohn Home Improvement, Inc.	Fort Dodge, IA	\$68,000.00
Modern Builders, Inc.	Janesville, IA	\$78,800.00

Staff recommends award to William W. Porter, dba Porter Construction, low bidder.

Motion was made by Commissioner Marcantonio to approve the low bid of William W. Porter, dba Porter Construction of Independence, Iowa, in the amount of \$55,755.00 for office/hatchery building reroof at Manchester Fish Hatchery in Delaware County. Seconded by Commissioner Garst. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Bids were opened September 29, 2006 for the following projects:

Heytman's Landing, Allamakee Co. – Channel Dredging

This project consists of the hydraulic dredging for channel deepening to boat ramp as required by the Plans and DNR Construction Inspector. DNR estimate was \$24,900. Project is budgeted 100% in Marine Fuel Tax (see capital link item #110). Eight sets of Plans were issued. Two bids were received.

Nutri-Ject Systems, Inc.	Hudson, IA	\$ 38,075.00
L. W. Matteson, Inc.	Burlington, IA	\$441,960.00

Staff recommends award to Nutri-Ject Systems, Inc., low bidder.

Motion was made by Commissioner Moore to approve the low bid of Nutri-Ject Systems, Inc. of Hudson, Iowa, in the amount of \$38,075.00 for channel dredging at Heytman's Landing in Allamakee County. Seconded by Commissioner Duncan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Big Springs Fish Hatchery, Clayton Co. – Streambank Stabilization & Fishing Access

This project consists of construction of an angler access trail and other work as required by the Plans and DNR Construction Inspector. Project is budgeted \$6000 Federal FEMA and the balance Fish and Wildlife Trust (Fisheries Non-Habitat Stamp) funds (see capital link item #34). DNR estimate is \$24,500. Ten sets of Plans were issued. Eight bids were received.

Keppler Custom Hire, L.L.C.	St Olaf, IA	\$ 27,906.00
Nate Moeller, Nate Moeller Construction	Tripoli, IA	\$ 31,398.50
Connolly Construction, Inc.	Peosta, IA	\$ 32,600.50
Riehm Construction, Inc.	Waukon, IA	\$ 32,752.00
Matt Construction, Inc.	Sumner, IA	\$ 39,177.50
F. L. Krapfl, Inc.	Dyersville, IA	\$ 40,614.00
Scott Brown, dba Brown's Pump Service	Arlington, IA	\$ 44,650.00
Tschiggfrie Excavating Co., Inc.	Dubuque, IA	\$ 48,202.00

Staff recommends award of contract to Keppler Custom Hire, L.L.C., low bidder.

Motion was made by Commissioner Garst to approve the low bid of Keppler Custom Hire, L.L.C., of St. Olaf, Iowa, in the amount of \$27,906.00 for streambank stabilization and fishing access at Big Springs Fish Hatchery in Clayton County. Seconded by Commissioner Marcantonio. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Bids will be opened October 4, 2006 for the following project:

Blackhawk State Park, Sac Co. – Campground Electrical Upgrade

This project consists of the granular surfacing of 89 camp pads and installation of sewer and water lines, electrical hookups, and related equipment and other related work as required by the Plans and DNR Construction Inspector. Alternate is for additional water lines and hydrants. Project is budgeted 50% in State Parks Health and Safety and 50% in Land and Water Conservation (LAWCON) funds (see capital link item #175). DNR estimate is \$290,000. Twenty-three sets of Plans were issued. Two bids were received.

Schoon Construction, Inc.	Cherokee, IA	Base Bid:	\$365,899.07
		Alternate:	\$ 15,404.94
McClellan Electric, Inc.	Denison, IA	Base Bid:	\$389,932.30
		Alternate:	\$ 16,095.95

The budgeted funds available required DNR staff to reject the alternate and negotiate a Change Order to delete the gravity sewer system and miscellaneous items for a reduction in the base bid of the low bidder.

Staff recommends award of contract to Schoon Construction, Inc., low bidder, for negotiated base bid price not to exceed \$280,000.

Motion was made by Commissioner Moore to approve a contract with Schoon Construction, Inc. of Cherokee, Iowa for a negotiated base bid price not to exceed \$280,000 for campground electrical upgrade at Blackhawk State Park in Sac County. Seconded by Commissioner Duncan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

LAND ACQUISITION

Linda Hanson, Administrator, Management Services Division, presented the following item.

Big Marsh Wildlife Management Area, Butler County -- INHF

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Butler County. DNR-owned and managed land, known as Big Marsh Wildlife Management Area, is located eight miles northeast. The INHF offer the 175-acre parcel for the appraised value of \$268,000.

Fred Greder, Licensed Appraiser, of Mason City, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in southwestern Butler County, Iowa. The small town of Ackley is located three miles southwest of the property. Acquisition of this property will protect the federal and state threatened Prairie Bush Clover as well as the Richardson's Sedge and Grass of Parnassus (state special concern species). North Beaver Creek serves the property with open pasture on each side thereof. Topography is gently sloping to steep. Land use consists of 47.7 acres cropland (73.4 CSR), 115.4 acres of pasture, 4.1 acres of former building site, and 8.2 acres of roads.

This acquisition will become part of the 4,427-acre Big Marsh Wildlife Management Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be \$216,000 from Federal Endangered Species and \$52,000 from the Fish & Wildlife Trust Fund (see capital link item #13). Incidental closing costs will be the responsibility of the Department.

<i>Motion was made by Commissioner Marcantonio to approve the purchase of a 175 acre parcel at Big Marsh Wildlife Management Area in Butler County from the Iowa Natural Heritage Foundation for the appraised price of \$268,000. Seconded by Commissioner Garst. Motion carried unanimously.</i>
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LAND ACQUISITION APPROVED

Upper Iowa River Wildlife Area, Winneshiek County -- INHF

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Winneshiek County. DNR-owned and managed land, known as the Upper Iowa River Wildlife Area, is adjacent to the west. The INHF offer the 10.83-acre parcel for \$35,250. The appraised value is \$47,000.

Thomas Kane, Licensed Appraiser, of Dubuque, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in northwestern Winneshiek County, Iowa. The small town of Kendallville is located one-half mile north of the property. The Upper Iowa River runs southwest to northeast creating the southeast boundary. The acquisition would provide an additional 1,300 feet of shoreline protection of the Upper Iowa River. The property is nearly level to slightly sloping toward the river and is heavily forested.

This acquisition will become part of the 3,790-acre Upper Iowa River Wildlife Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be the REAP Public/Private Grants Program. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Moore to approve the purchase of a 10.83 acre parcel of land located at the Upper Iowa River Wildlife Area in Winneshiek County from the Iowa Natural Heritage Foundation for the price of \$35,250. Seconded by Commissioner Duncan. Motion carried unanimously.

LAND ACQUISITION APPROVED

Swan Lake Wildlife Complex, Dickinson County--Petersen

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Dickinson County. This 140-acre tract is offered by Gerald and Deborah Petersen for the appraised price of \$115,000. The property is encumbered by a Wetland Reserve Program easement.

Greg Tritle and Richard Vander Werff, Licensed Appraisers of Vander Werff and Associates, Sanborn, Iowa prepared the "Before and After" valuation for the NRCS acquisition of the Wetland Reserve Program easement, and fee title acquisition by the DNR. Jerry Gibson negotiated the purchase agreement.

The property is located one mile north of the junction of U.S. Hwy. 71 and Iowa Hwy. 9, and 3 miles northwest of Superior. The property is adjacent to the east side of Hwy. 71 and the north side of 140th Street. The property consists of 136.5 acres of farmland enrolled in the Wetland Reserve Program that will be restored to wetland and prairie; 0.1 acre-bin site; and 3.4 acres of road right of way. Development by the NRCS and DNR will include 40 acres of wetland/marsh, and 96.5 acres of native prairie. Sellers have reserved agricultural rights for 2007 with NRCS approval, and the possibility of agricultural rights for 2008 if the NRCS prefers seed bed preparation prior to restoration.

The Wildlife Bureau will manage the property to create waterfowl and upland game habitat; improve water quality through natural filtration; and provide outdoor recreation. No fencing or surveying costs are anticipated.

Acquisition funding will be 100% North American Wetland Conservation Act - Southern Tallgrass Prairie (see capital item #4). Incidental closing costs are the responsibility of the Department.

Motion was made by Commissioner Marcantonio to approve the purchase of a 140 acre parcel of land located at the Swan Lake Wildlife Complex in Dickinson County from Gerald and Deborah Petersen for the appraised price of \$115,000. Seconded by Commissioner Moore. Motion carried unanimously.

LAND ACQUISITION APPROVED

Linda Hanson distributed copies of charts detailing the FY06 Total Land Acquisitions, FY06 Land Acquisition Donations and Conservation Easements, and FY07 Land Acquisition. The various funding sources for those acquisitions were listed, including those that were acquired fee title as well as those that were negotiated donations where other money contributed to the purchase price. A later item will explain how the department values donations and what the department's responsibility is relative to that. Hanson related that at a future meeting staff will talk about how conservation easements are monitored.

Commissioner Garst commented that the information provided is good, but asked how those statistics compare to the Comprehensive Wildlife Plan goals.

Ken Herring responded that the Plan calls for doubling the amount of protected land that the state currently has. He said there is no annual goal per se. He offered to look into equating the increased protected land acquired into a numerical goal.

LAND DONATIONS – INTERNAL REVENUE SERVICE IMPLICATIONS

Linda Hanson, Administrator, Management Services Division, presented the following item.

In response to the Commission's request, the Department provided information regarding its acceptance of land donations and the implications of donors' federal income tax deductions that may be sought by the donor. Specifically, staff discussed conservation easements and the unique requirements donors must meet in order to claim tax deductions related from such donations, including appraisals, valuation of fair market value, and intended uses of the land. Staff also discussed the Department's role in certifying its status as an eligible entity and affirming its obligation to provide donors information surrounding any subsequent transfers of donated land or interests in that land.

Kelley Myers, Department staff attorney, noted that there were two separate issues – one regarding the appraisal and the valuation of the donations, and the second one regarding our process for monitoring a conservation easement. The second issue will be discussed at a separate meeting.

Ms. Myers said that in 2004 the IRS gave notice that it would be checking and questioning deductions that donors take on conservation easements and land donations. As a result, there have been some cases going through the tax court. She said that with respect to the legal requirements of the donee (DNR) that we must certify that we are an eligible donee. Also the Department will certify that it will notify donors if the land is transferred within two years. The

form being signed states that the donee (DNR) is not certifying the value of the land on the tax form.

Ms. Myers explained that the Tax Code prohibits the donee (the Department) from being the appraiser. She added that often times the Department will purchase the appraisal after the transfer so that the donor can take that tax deduction and the Department can obtain the value of the land for inventories. Myers said that the appraisal is not reviewed by staff as is done on some federal easements or other fee title land that is acquired with federal money in whole or in part. The appraisal is reviewed only to ensure that it contains proper information so the appraiser can be paid pursuant to a contract. She said that none of the donations to the department occur in a vacuum and our negotiators go out and negotiate the donations, sometimes taking several years. She added that throughout the process, staff ensures they are comfortable with the acquisition and that they are comfortable with the intent of all parties involved. Myers said this policy may differ from the non-profit groups who may do review appraisals to ensure compliance with the IRS deductions.

Myers reported that the department has been considering adding disclaimer language in its contract with the appraiser on the options to purchase or in land donations that would state the department is not certifying the value placed by the appraiser. Discussion continued as to why the department is different than Iowa's land trust community with regard to review of appraisals.

Commissioner Garst related that there has been a lot of fraud in appraisals in the past and even if the law does not require the department to certify an appraisal, there could be damage to the reputation of the department if there is a fraudulent appraisal involving the department.

Ms. Myers reiterated that while the department does not review appraisals for the value, staff does make sure that the appraisal is done according to the standards required by the contract with the appraiser. While the valuation is not reviewed, the department does ensure that appropriate appraisal methods are utilized.

Discussion continued regarding appraisals and the Department's role in determining reasonableness of the appraisals. Also talked about were the Department's obligations as well as the difference between donations to this department versus non-profit entities.

Commissioner Garst related that while the reviews of appraisals are not required now, she said this matter should be addressed later as more precedent is set regarding the department's obligations.

INFORMATION ITEM

REAP PUBLIC/PRIVATE COST-SHARING GRANTS

Ross Harrison, REAP Coordinator, presented the following item.

The Project Review and Selection Committee for the REAP Public/Private Cost-Sharing Program met September 20, 2006 to review and score seven applications. The committee is

administered by Arnie Sohn and members include three from the DNR: John Walkowiak, Kevin Szcodronski, Jeff Joens; and three outside the agency: Jon Kruse, Storm Lake, DU, Margo Underwood, Mason City, Glen Vondra, Grimes, Iowa Wild Turkey Federation. A total of \$415,436 is available from the REAP Open Spaces Account to cost share with private entities for the purchase of high-quality natural areas that become DNR property. Those entities provide at least 25% of the cost. The seven applicants sought REAP funds totaling \$996,825.

The selection committee recommends your approval for funding in the ranking, below. The top three projects have requested grants that total \$415,892; the third grant will settle for funding at \$456.50 less than its request, using all of the funds available. If any of the top three projects fails to materialize for any reason, your approval will allow the offer of those available funds to the next highest ranked project(s).

COMMITTEE RECOMMENDATIONS

1. Stone State Park, Woodbury County – Acquisition of 161 acres of two parcels be added to the park, containing high-quality loess hills features and within the city limits of Sioux City. Submitted by the Iowa Natural Heritage Foundation, seeking a grant of \$205,600 on a project that has total costs of \$463,100.

2. Waterman Prairie Addition, O'Brien County. Acquisition of a 79.8-acre inholding with extensive prairie remnants and small oak grove. Submitted by The Nature Conservancy, seeking a grant of \$154,042.50 on a project that has total costs of \$205,390.

3. Bennie Hall Wildlife Management Area Addition, Guthrie County – Acquisition of 30 acres adjoining the state-owned wildlife area. The project is part of a larger acquisition project of 195 acres, which includes more than 1.25 miles of Middle Raccoon River frontage. Submitted by the Guthrie County chapter of Pheasants Forever, seeking a grant of \$56,250 for the 30-acre tract total cost of \$75,000. The entire, larger project cost is \$487,500.

End of funding availability

4. Raccoon River Greenbelt, Steward/Kuehn Tracts, Dallas County – Acquisition of 76 acres, coupled with a donation of 50 acres added to the 610-acre Kuehn Conservation Area along with South Raccoon River. The land has high quality woodlands and bluffs along the river and is in high demand for residential development. Submitted by the Kuehn Family, seeking a grant of \$249,300. The Kuehn family is donating 50 acres at a value of \$162,500.

5. Glass WRP Acquisition, Sac County – Acquisition of 160 acres as part of a larger 357-acre long rang project. Submitted by Iowa Natural Heritage Foundation, seeking a grant of \$84,000 for a project with total costs of \$114,000.

6. McCoy Wildlife Management Area Addition, Boone County – Acquisition of a 76-acre area adjacent to the 374-acre McCoy Wildlife Area and Ledges State Park. Includes 40 acres of tillable pasture with balance in pasture and timber. Submitted by the Iowa Natural Heritage Foundation, seeking a grant of \$147,633 on a project with total costs of \$198,844.

7. Don Mangels Wildlife Management Area Addition – Acquisition of a 90-acre parcel, primarily cropland, that would be seeded to native prairie mix, windbreaks and buffers for upland game. Submitted by the Iowa Natural Heritage Foundation, seeking a grant of \$100,000 on a project with total costs of \$189,349.

**REAP Private/Public Cost Sharing
Applications, 2006**

PROJECT NAME	COUNTY	APPLICANT	ACRES	PRICE	GRANT REQUEST	PROJECT DESCRIPTION	COMMITTEE SCORE	RANK
Stone State Park Addition	Woodbury	Iowa Natural Heritage Foundation	161	\$463,100	\$205,600	Two parcels, in city limits of Sioux City. Prairie pasture and oak woodland. Important protection/buffer for Stone State Park.	178.7	1
Waterman Prairie Addition	O'Brien	Nature Conservancy and O'Brien County Sportsmens Club	79.8	\$205,390	\$154,042.50	An important inholding for adjacent state lands in the Waterman Prairie Complex. 27 acres cropped; remainder pasture with extensive prairie remnants and small bur oak grove. Management by IDNR.	154.8	2
Bennie Hall WMA Acquisition	Guthrie	Guthrie CCB, Audubon Co. PF, North Polk PF, and Prairie Woodland Conservation Foundation	195	\$75,000	\$56,250	Along RWA of Middle Raccoon River. Results in a 512-acre complex. This parcel is 172 acres of woodland, 22 acres of crop fields, and 1-acre building site.	143.8	3
Raccoon River Greenbelt, Steward/Kuehn Tracts	Dallas	Kuehn Family	126	\$411,800	\$249,300	Two parcels, additions to Kuehn Conservation Area bringing total area to 736 acres. High quality timber.	139.3	4

Glass WRP Acquisition	Sac	Sac Co. PF and Carroll Co. PF	160	\$114,000	\$84,000	Owned by INHF, enrolled in WRP, and part of a larger 356.7 acre project. Management by IDNR. 44 acres wetland/116 acres cropland. Six potential wetland restoration sites.	116.8	5
McCoy Wildlife Area Addition	Boone	Iowa Natural Heritage Foundation	76	\$198,844	\$147,633	Adjacent to 374-acre McCoy WMA and Ledges State Park. Includes 40 acres of tillable pasture, with balance in pasture and upland timber	102.3	6
Don Mangels WMA, Miller Tract Acquisition	Story	Story Co. PF; Big Bluestem Audubon Society; Other PF chapters	90	\$189,349	\$100,000	Currently owned by INHF. Currently predominantly cropland with a short segment of East Indian Creek. To be seeded to native prairie species, windbreaks and buffers for upland wildlife.	86.3	7
			887.8	\$1,657,483	\$996,825.50			

Ross Harrison reviewed the committee's recommendation for funding the projects.

Motion was made by Commissioner Garst to approve funding for the Public/Private cost-sharing grants as recommended by the REAP Public/Private Cost-Sharing Program selection committee. Seconded by Commissioner Duncan. Motion carried unanimously.

REAP PROJECTS APPROVED

REAP CITY PARKS AND OPEN SPACES GRANTS

Ross Harrison, REAP Coordinator, presented the following item.

The Project Review and Selection Committee for REAP City Parks and Open Space grants met September 28, 2006 to evaluate project applications. Committee members are Ron Walker, Chairperson (Arnolds Park City Administrator), Sherri Proud (Coralville Park and Recreation), Ron Hopp (Council Bluffs Parks, Recreation, and Public Property Director), Pat Prevenas (Dubuque Park and Recreation Director), and Kim Bogenschutz (Aquatic Nuisance Biologist, DNR Fisheries Bureau).

Fifty-nine applications totaling \$5.2 million in grant requests were submitted for consideration during this FY 06 grant round. Available funds total about \$1.8 million. One grant round is being held this fiscal year and all available funds are recommended for allocation. In case any of the top ranking grants cannot be implemented, your approval of the grants below also includes approval to go down the ranking with funding offers until the money is fully obligated.

COMMITTEE RECOMMENDATIONS

LARGE CITIES (Over 25,000 in population)

Eight applications were submitted in this category, totaling about \$1.6 million in grant requests (see attached table). Approximately \$762,000 is available for grant awards, and it is totally accounted for in the top five ranking grants. If REAP would have been fully funded at \$20 million, Dubuque and Des Moines would have also been recommended for funding. The committee recommends that grants be awarded for the following projects:

1. Ankeny: Trail to Woodward -- \$150,000
2. Mason City: Winnebago River Trail Bridge, Section 1 -- \$110,000
3. Council Bluffs: Valley View Greenway & Trail Development -- \$200,000
4. Cedar Falls: Big Woods Lake Campground, Phase II -- \$150,000
5. West Des Moines, Jordan Creek Trail Connection -- \$151,667

MEDIUM CITIES (2,000 to 25,000 population)

Twenty applications were submitted in this category, totaling \$1.7 million in grant requests (see attached table). \$548,722 is available this round for grant awards and is totally accounted for in the top seven grants. If REAP would have been fully funded, Bloomfield, Ottumwa, Perry and Hiawatha would have also been recommended. The following projects are recommended for funding:

1. Centerville, Lela Bradley Park Addition -- \$100,000
2. Story City, River Access and Recreation Improvement -- \$24,250
3. Clear Lake, Nature Education Pavilion -- \$100,000
4. Creston, Revitalization of historic McKinley City Park -- \$100,000
5. Cresco, Expanding Opportunities for Cresco's Future -- \$75,000
6. Madrid, Madrid Community Trail Link -- \$75,000
7. Nevada, Indian Creek Greenbelt Trail System -- \$74,472

SMALL CITIES (Population less than 2,000)

31 applications were submitted in this category, totaling nearly \$1.9 million in grant requests (see attached table). \$442,661 is available for grant awards, and is totally accounted for in the top seven grants. If REAP would have been fully funded, Guttenberg would have been recommended to receive the full \$75,000 it requested, plus Sheldahl, Eldon, Correctionville and Walcott would have been recommended for funding. The committee recommends that grants be awarded:

1. Allison, Wilder Park Improvements -- \$75,000
2. Shell Rock, Shell Rock Park Acquisition -- \$56,823
3. Lake View, Black Hawk Lake Trail -- \$75,000

4. Robins, Robins City Park and Cedar Valley Trail Connection -- \$75,000
5. Calmar, Paving Our Way to the Future -- \$75,000
6. Slater, Central Iowa Trail, Slater to Sheldahl Link -- \$75,000
7. Guttenberg, North Overlook and Big Springs Nature Area Project -- \$10,838

Motion was made by Commissioner Duncan to approve the recommendations of the Project Review and Selection Committee for REAP City Parks and Open Space grants for large cities, medium cities and small cities. Seconded by Commissioner Moore. Motion carried unanimously.

REAP GRANTS APPROVED

REAP COUNTY CONSERVATION BOARD GRANTS

Ross Harrison, REAP Coordinator, presented the following item.

The Project Review and Selection Committee for REAP County Conservation Board grants met September 14, 2006 to evaluate project applications. Committee members are Jim Liechty, Chair (Madison CCB), Harry Graves (Johnson CCB), Mark Peterson (Woodbury CCB), Angela Corio, DNR Landscape Architect, and Tom Anderson, DNR Energy and Waste Management.

Thirty-three applications totaling about \$4.6 million in grant requests were submitted for consideration during this FY 07 grant round. Available funds total \$894,960. Below are the five tops ranking projects and attached is the scoring showing all projects. Your approval of the selection committee's recommendations to fund these five projects is requested. Note that Page CCB and Dallas CCB tied for 5th place. Page County agreed to allow the remaining \$19,415 to go to Dallas County, since the Dallas grant request was much closer to this amount than the Page request.

If REAP would have been fully funded at \$20 million, there would have been \$1.6 million available for these grants, funding the next four grants down the list.

In the event that any of the grants below are unable to execute their project, approval is sought to offer those funds down the list in the ranking order as shown.

COMMITTEE RECOMMENDATIONS

1. Whitewater Canyon Acquisition, Jones CCB – Acquisition of 141.6 acres in Jones County, adjacent to last year's number one CCB REAP grant, Whitewater Canyon in Dubuque County. The site includes high quality and unique associations to geology, botany, archaeology, zoology, hydrology and a variety of public recreation opportunities. Also present is a large cave system estimated to have collapsed about 20,000 years ago. Total project cost is \$506,190 with support coming from the Wild Turkey Federation, Pheasants Forever and Whitetails Unlimited.

GRANT AMOUNT -- \$326,948

2. Big Bend Wildlife Area Acquisition, Hurst Parcel, Dallas CCB – Acquisition of 127.5 acres of woodlands and savanna, and 61 acres of cropland along with Middle Raccoon River. The parcel will connect with an existing 345-acre DNR area, which ultimately will provide more than 900 acres of public land adjacent to a state designated Protected Waters Area river. Total cost of this project is \$412,288 with support from the habitat stamp, Wild Turkey Federation and Pheasants Forever.

GRANT AMOUNT -- \$212,797

3. Iowa River Wildlife Management Area Acquisition, Marshall CCB – Acquisition of 330 acres along the Iowa River, 1 ½ miles north of Marshalltown. 210 acres of this currently in woodlands will be managed for forest improvement; 120 acres will be restored to native prairie. The site will be the largest tract of public ground in the county. Total cost of the project is \$826,250 with support coming from anonymous donors.

GRANT AMOUNT -- \$200,000

4. Central Loess Hills Restoration Initiative, Pottawattamie CCB – A collaborative effort with The Nature Conservancy for ecological restoration on public and private lands, including acquiring equipment, mapping, aerial photography, demonstration exhibits and computer support. This REAP grant will leverage additional support from the County Board of Supervisors and other partners for a total of \$1.35 million.

GRANT AMOUNT -- \$135,800

5. Big Bend Wildlife Area Acquisition, Dudley Parcel, Dallas CCB – Acquisition of 20 acres of forest land adjacent to an 380-acre county area and close to a proposed 188.5-acre area and another 345-acre DNR area, ultimately providing 933.5 acres of public ground adjacent to the Middle Raccoon River, a state-designated Protected Waters Area river.

GRANT AMOUNT -- \$19,415 (Originally requested \$58,400, but the CCB has assured it will accomplish the full intent of the grant, using funds from other sources.)

TOTAL AMOUNT OF GRANTS = \$894,960

Motion was made by Commissioner Marcantonio to approve grants as recommended by the Project Review and Selection Committee for REAP County Conservation Board grants. Seconded by Commissioner Duncan. Motion carried unanimously.

REAP GRANTS APPROVED

REAP CONGRESS RECOMMENDATIONS FOR 2006

Ross Harrison, REAP Coordinator, presented the following item.

Section 455A.17 of the Iowa Code requires the REAP Congress to make recommendations on issues regarding REAP to the NRC, Legislature and Governor.

Attached is the report of that Congress submitted for your approval.

2006 REAP Congress
July 15, 2006

**Report to: Governor Vilsack
Iowa Legislature
Natural Resources Commission**



Inquiries pertaining to this report may be directed to:

Ross Harrison, REAP Coordinator
Iowa DNR
502 E. 9th Street
Des Moines, IA 50319

ross.harrison@dnr.state.ia.us
Office: 515-281-5973
Fax: 515-281-6794

August 1, 2006

TO: Governor Thomas J. Vilsack
Michael E. Marshall, Secretary of the Senate
Margaret Thompson, Chief Clerk of the House
Kim Francisco, Chair of the Natural Resources Commission

As required by Section 455A.17, Code of Iowa, I present you with the report of the 2006 Resource Enhancement and Protection (REAP) Congress which was conducted July 15 in Des Moines in the State Capitol.

The 79 delegates to the REAP Congress were elected by nearly 1,000 Iowans last winter and spring during the 16 REAP Assemblies conducted throughout the state. While the specific recommendations from this 9th REAP Congress were approved by delegate vote, these recommendations are, in reality, from the voices of those who participated in those assemblies.

These and many additional Iowans strongly believe that REAP can be one of the state's most important tools to stimulate economic development and improve their quality of life. The Congress took a number of actions in this regard.

Chief among these actions are to strengthen the public participation component of REAP and to fully fund REAP. While the REAP delegates realize competition within the state budget is difficult, they believe that investment in REAP returns major economic and quality of life dividends. They are highly supportive of the legislated interim study committee for sustainable natural resources funding.

REAP is recognized as Iowa's primary local funding program for natural and cultural resources. The massive amount of public participation, culminating in actions by the Congress, makes it truly a grassroots led program. The delegates thank you for the support you have given, and urge you to action for improving REAP in the future.

Sincerely,

Jeffrey R. Vonk,
Director

REAP is a citizen-led, state funding program for city, county and state parks; fish and wildlife habitat; soil and water enhancement; historical resource protection; and conservation education. In FY05, 06 and 07 REAP was appropriated \$11 million each year, from the Environmental First Program of the state's Infrastructure Fund. Approximately \$650,000 in addition to the appropriation was available to REAP from sale of natural resource license plates and interest on the REAP account.

The REAP Act establishes the formula for fund distribution and the active citizen participation process.

Leading Up To Congress

2006 REAP Assemblies

Sixteen REAP Assemblies were held in the Council of Government regions throughout the state from February through early April 2006. For an estimated 75% of those attending, this was their first REAP Assembly, very similar to two years ago.

Considering winter weather, an average roundtrip travel time of more than an hour, and 2 ½ hours for each meeting, Iowans demonstrated their strong interest in REAP, with a total attendance of 935 persons. (Two of the meetings were during snowstorms and a third during a tornado warning; one was postponed due to a severe snow/ice storm.)

Assembly participants spent most of their time in small groups to come up with:

- Priorities of REAP projects in their counties.
- How to make county committees work better.
- Recommendations to improve REAP.

Individual assembly reports are available at www.iowareap.com.

Project Priorities from Assemblies

Despite the occasionally different approaches by individuals and small groups, an effort was made to compile project priorities on a statewide basis to compare them with the REAP formula, and with a similar effort two years ago. Totaling the numbers from about 100 small groups, the results for 2006 are followed by a figure that roughly approximates the responses from 2004.

- 30% for recreational facility development, and one-half of them picked trails as the specific development they wanted. **(29%)**
- 24% for water quality soil erosion, watershed management. **(16%)**
- 22% for land acquisition and open spaces. **(22%)**
- 15% more conservation education. **(16%)**
- 9% historic preservation. **(7%)**
- **(2004 10% misc.)**

These data generally support the view that the REAP formula is fairly close to the desires of assembly participants.

How to Make County Committees Work Better

Reporting assembly participant views on this topic proved difficult. With 75% of participants having almost no background on county committees, many were unsure of the issue. However, nearly 95% agreed that active county REAP committees would be good, but wanted help on how to make them work, including establishing a clear purpose and function. Many felt these committees needed at least some funding. Nearly all responses said that the public needs to know more about REAP.

REAP Improvements

REAP Funding

Again, with 75% having little background on REAP, other than the explanation given during the opening 20 minutes of each assembly, there were few suggestions given, other than one that garnered 99% agreement: REAP needs to be fully funded. Numerous suggestions included the Missouri sales tax approach. There were many diverse suggestions to involve the public more in REAP and educating them more about the program. These are best viewed on the website www.iowareap.com, "2006 REAP Assembly Actions."

Statewide REAP Appreciation Week

Several suggestions centered on a statewide REAP Appreciation Week in October, supported through publicity and materials at the state level. The idea was for each county (county REAP committee, or active citizens) to showcase their completed or in-progress REAP projects in the press, newsletters, through tours, in public meetings and presentations.

REAP Day at the Capitol

Several asked that a REAP Day during the next session of the Legislature be led by the REAP Alliance. In fact, the date has been set for February 21, 2007 and planning has begun.

Change the Assembly Season

While a recommendation was not specifically made to change the time of year when assemblies are held, there were frequent complaints about the weather and the lack of legislator participation, due to the Legislature being in session.

REAP Alliance Provides Guidance and Assistance

In Cooperation with Citizen Groups and the Four State Departments, REAP Alliance Provides Guidance and Assistance. More than 30 Iowa conservation and historical-related citizen organizations form the REAP Alliance, co-chaired by Mark Ackelson, president of the Iowa Natural Heritage Foundation, and Don Brazelton, Director of the Iowa Association of County Conservation Boards. The REAP Alliance meets monthly with representatives from its dues-paying organizations, receiving input and working with the four REAP stakeholder state agencies -- DNR, DALS, DOT and DCA. The REAP Alliance is active in the citizen participation aspects of REAP.

July 15, 2006 – House of Representative Chambers

2006 REAP Congress

The agenda for the Congress was taken from the composite priorities of the preceding 16 REAP Assemblies, during which delegates to the Congress were elected.

Liz Christiansen, deputy director of the DNR, gaveled the Congress in at 8:30 a.m. The roll call showed 79 delegates attending.

Dave Van Waus of Colo was elected, unopposed, as chair of the Congress.

Upon election, the chair recognized Mark Ackelson, co-chair of the REAP Alliance who addressed the Congress, including an explanation of the legislative interim study committee on sustainable funding for natural resources that will provide recommendations to the legislature by January 10, 2007.

Ackelson introduced representatives of the candidates for Governor, Bob VanderPlaats and John Hedgecoth who presented their campaigns' views on REAP funding and natural resource issues, followed by questions and answers from the delegates.

The chair initiated the discussion of the agenda items: REAP funding, the formula that distributes REAP funding, public education about REAP, REAP county committees and other issues from the floor.

REAP Funding

After considerable discussion four motions were seconded, debated and voted upon:

1. Recommend the Governor and Legislature remove the Environmental First Fund cap of \$35 million and fund REAP at a minimum of \$20 million per year, as authorized in the REAP Act.

Motion passed 65 to 0.

2. Recommend to the Governor and Legislature that it utilize a percentage of the State sales tax and other sources as recommended by the Sustainable Funding Committee to fund REAP.

Motion passed 56 to 10.

3. Recommend to the Governor and Legislature the creation of a stable and dedicated natural resource funding source for REAP.

Motion passed 67 to 0.

4. Recommend to the Governor and Legislature that the Environmental First Fund receives a fixed percentage of the annual gambling revenue.

Motion failed 3 to 76.

REAP Formula

After little discussion, one motion was seconded and debated briefly:

Recommend to the Governor and Legislature that the existing REAP formula be retained.

Motion passed 68 to 0.

Public Education About REAP

Pre-motion discussion centered on the need for local and state partnership to inform citizens about the values and benefits they receive from REAP. The concept of a statewide REAP Appreciation Week in October was presented and the REAP Alliance presented its plans for a REAP Day in the Legislature on February 21, 2007. The potential for REAP funds to aid county committees in this task was discounted due to its potential to change the REAP formula. The DNR presented several new web pages at www.iowareap.com intended to aid development of county committees and provide local resources for education about REAP. One motion was seconded, debated and voted upon:

Recommend to the Natural Resources Commission that the REAP Coordinator explore and implement opportunities to market REAP to the people of Iowa, including a REAP Appreciation Week in October.

Motion passed unanimously.

REAP County Committees

A brief discussion about the importance of ease in starting REAP county committees resulted in no motions on the issue.

Other Issues from the Floor

Discussion included concerns that funding of maintenance activities for REAP land acquisition and construction projects does not compete well in REAP grants. No motion.

Discussion supported that the fall would be a better time of year to conduct the REAP Assemblies and the Congress. This would enable legislators to attend their local REAP Assemblies and weather would be less of a deterrent for all. Congress could then be held in the late fall or winter. The following motion was seconded and debated:

1. Recommend the Legislature accept a 'housekeeping' amendment to the REAP Act, 455A.17(1), by striking the wording: "during the summer months."

Motion passed 78 to 1.

The inability of delegates to clearly follow floor discussion prompted a seconded motion:

2. Recommend the Legislature allow future REAP Congress' to use the House Chambers microphones and electronic voting system.

Motion passed unanimously.

There being no further discussion or motions, the REAP Congress adjourned at 2:45 p.m. July 15, 2006.

Motion was made by Commissioner Garst to approve the report of the July 2006 REAP Congress. Seconded by Commissioner Duncan.

Ross Harrison reported that Commissioner Duncan had remarked that REAP needs be marketed more, which was also said at the Congress. He reported that a one page poster has been made for each county that shows the entire history of REAP in that county since 1990. In addition, each of those is on the web as well as the posters that can be printed. A REAP Awareness was initiated for October with many activities.

Commissioner Garst commended Ross for the great job he is doing as REAP Coordinator. She extolled his enthusiasm, saying he is articulate, involves people and explains things very well.

Motion carried unanimously.

REAP CONGRESS REPORT APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 16, PUBLIC COMMERCIAL, PRIVATE DOCKS AND DOCK MANAGEMENT AREAS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is asked to approve the notice to amend Chapter 16, and rename it “Docks and Other Structures on Public Waters,” Iowa Administrative Code. This notice rescinds the current rule and replaces it with what involved a complete re-write of this chapter.

These proposed rules reauthorize general permits that exempt the owners of most private docks from obtaining individual permits and paying administrative fees. Eligibility requirements are revised, primarily by limiting general permits to those private docks that have no more than two boat hoists.

New general permit categories are added for docks managed by cities and counties in front of shoreline that they own and for docks permitted by the U.S. Army Corps of Engineers.

New “offset” and “gap” provisions require that docks, hoists and boats be offset five feet from common boundaries with adjoining shoreline properties in order to provide an equitably shared 10-foot gap between boats stored on the water in front of adjoining properties. The offset requirement can be waived with consent of an adjoining property owner.

As shoreline properties are redeveloped with a greater density of living units, demand for storage of boats in hoists or slips is anticipated to increase. Provisions are included enabling the Department to limit density of boat storage on the water. For new shoreline developments that request permits for hoists or slips with a density above a threshold of one hoist or slip per 12.5 feet of shoreline, an exception must be requested and justified. A typical boat hoist canopy is 10 to 12 feet wide. One hoist or slip per 12.5 feet of shoreline is roughly equivalent to a solid row

of boat hoists side-by-side along all private shoreline. Commercial boat marinas do not need to justify an exception.

These rules also include new dock length limits, with provisions for exceptions. A new provision enables local governments to prevent commercial dock use from conflicting with zoning of the shoreline property.

“Grandfather” provisions are included for existing hoists and slips. For example, some existing condominium-type properties currently have approximately twice the density of hoists that would be allowable without an exception to the limit of one hoist per 12.5 feet of shoreline.

Proposed rule 16.9 mandates that an exception be granted for renewal of permits for existing docks, hoists and slips unless there are unusual circumstances such as encroachment on rights of adjoining property owners or interference with navigation.

Permit application fees for private dock permits remain at \$125 as in the existing rules. Commercial dock permit application fees are increased to \$250. An annual administrative hoist or slip fee of \$50 is required for each slip or hoist authorized by a commercial dock permit. For private dock permits, the first four hoists or slips are exempted from the hoist or slip fee. If owners of private homes on the shoreline maintain more than four boats on the water they will pay hoist fees only for their extra boats.

The rules for dock management areas (DMAs) are revised and clarified. “Dock management areas” were created to authorize docks for people who do not have riparian property rights. Primarily, these docks have served owners of property that is separated from lakes by streets or other strips of land dedicated to the public. The proposed rules establish priorities, essentially giving highest priority to those whose property is closest to the water. The proposals also help establish criteria related to the construction and configuration of docks in DMAs and create permit restrictions and conditions. The proposals also create a schedule with increased fees for docks and hoists in all existing DMAs.

NATURAL RESOURCE COMMISSION [571] Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission gives Notice of Intended Action to rescind Chapter 16, “Public, Commercial, Private Docks and Dock Management Areas,” and adopt new Chapter 16, “Docks and Other Structures on Public Waters,” Iowa Administrative Code.

This proposed new Chapter 16 includes the following:

In proposed rule 16.4(461A,462A) reauthorization of general permits that exempt the owners of most private docks from obtaining individual permits and paying administrative fees is included. Eligibility requirements are revised, primarily by limiting general permits to those private docks that have no more than two boat hoists. A hoist capable of holding more than one small craft such as a personal water craft or a one-person sailboat is defined as a single hoist.

In proposed rules 16.5(456A,462A) and 16.6(461A,462A) new general permit categories are added for docks managed by cities and counties in front of shoreline that they own and for docks permitted by the U.S. Army Corps of Engineers.

In proposed subrule 16.3(3) new “offset” and “gap” provisions require that docks, hoists and boats be offset five feet from common boundaries with adjoining shoreline properties in order to provide an equitably shared 10-foot gap between boats stored on the water in front of adjoining properties. The offset requirement can be waived with consent of an adjoining property owner or where the adjoining owner’s right to object has been limited by an easement or restrictive covenant. See 16.9(461A, 462A) and 16.10(461A, 462A).

As shoreline properties are redeveloped with a greater density of living units, demand for storage of boats in hoists or slips is anticipated to increase. Provisions are included enabling the Department to limit density of boat storage on the water. For new shoreline developments that request permits for hoists or slips with a density above a threshold of one hoist or slip per 12.5 feet of shoreline, an exception must be requested and justified. A typical boat hoist canopy is 10 to 12 feet wide. One hoist or slip per 12.5 feet of shoreline is roughly equivalent to a solid row of boat hoists side-by-side along all private shoreline. Commercial boat marinas do not need to justify an exception. These rules also include new dock length limits, with provisions for exceptions. A new provision enables local governments to prevent commercial dock use from conflicting with zoning of the shoreline property. These provisions can be found in proposed rules 16.7(461A,462A), 16.8(461A,462A), 16.9(461A, 462A), and 16.10(461A,462A).

“Grandfather” provisions are included for existing hoists and slips. For example, some existing condominium-type properties currently have approximately twice the density of hoists that would be allowable without an exception to the limit of one hoist per 12.5 feet of shoreline. Proposed rule 16.9(461A,462A) mandates that an exception be granted for renewal of permits for existing docks, hoists and slips unless there are unusual circumstances such as encroachment on rights of adjoining property owners or interference with navigation.

Permit application fees for private dock permits remain at \$125 as they appeared in the rescinded Chapter 16. Commercial dock permit application fees are increased to \$250. An annual administrative hoist or slip fee of \$50 is required for each slip or hoist authorized by a dock permit, except that for a private dock permit there is no annual fee for the first four hoists or slips, and for a commercial dock permit there is no annual fee for the first six hoists or slips or for any hoist or slip designated as “courtesy” space.

The rules for dock management areas are revised and clarified. “Dock management areas” were created to authorize docks for people who do not have riparian property rights. Primarily, these docks have served owners of property that is separated from lakes by streets or other strips of land dedicated to the public. The proposed rules establish priorities, essentially giving highest priority to those whose property is closest to the water. Fees for dock sites and hoist or slip assignments in dock management areas are specified in the rules.

Any interested person may make written suggestions or comments on the proposed amendments on or before November 30, 2006. Such written materials should be directed to the Law Enforcement Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. People who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-4515 or at the Law Enforcement Bureau offices on the fourth floor of the Wallace State Office Building.

There will be three public hearings as follows:

7 p.m., Tuesday, November 28, 2006

City Hall Community Room
15 N. 6th Street
Clear Lake, Iowa

7 p.m., Wednesday, November 29, 2006	Spirit Lake Community Center 1602 15 th St. Spirit Lake, Iowa
7 p.m., Thursday, November 30, 2006	Auditorium Wallace State Office Building 502 E. 9 th St. Des Moines

At the public hearings, people may present their views either orally or in writing. People will be asked to give their names and addresses for the record and to confine their remarks to the subject of the new Chapter.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of special needs.

This new chapter is intended to implement Iowa Code sections 461A.4, 461A.25, 462A.27 and 462A.32(2).

The following new chapter is proposed.

Rescind 571--Chapter 16 and adopt the following new Chapter in lieu thereof:

CHAPTER 16
DOCKS AND OTHER STRUCTURES ON PUBLIC WATERS

571—16.1(461A,462A) Definitions.

“Artificial lake” means all river impoundments and all other impoundments of water to which the public has a right of access from land or from a navigable stream inlet. Examples are Lake Panorama, Lake Delhi, Lake Nashua, and Lake Macbride.

“Boat hoist,” also referred to as a “lift,” means a structure placed in the water or below the ordinary high water mark for boat storage, including platforms for storage of personal watercrafts. For the purposes of this chapter, a boat hoist that is designed to store multiple small vessels such as personal watercraft or one-person sailboats shall be treated as a single hoist.

“Catwalk” means a platform no more than 4 feet wide installed to provide access from a dock to a moored boat or boat hoist.

“Commercial dock” means a dock used as part of a business, including a dock extending from residential property if one or more mooring spaces at the dock are rented for profit. A dock maintenance fee charged by a property owners’ association to its members is not a basis to classify a dock as commercial. This definition is not applicable to docks in dock management areas or concession operations administered by the department.

“Commission” means the natural resource commission.

“Common dock” means a dock serving 2 or more adjoining shoreline properties.

“Department” means the Department of Natural Resources.

“Director” means the director of the Department of Natural Resources or the director’s designee.

“Dock” means a platform-type structure extending from shoreline property over a public water body.

“Dock management area” means an area in the bed of a water body adjoining a state park, wildlife management area or recreation area or adjoining a strip of land that was dedicated to the public and is subject to the jurisdiction of the department pursuant to Iowa Code section 461A.11 (second unnumbered paragraph). The dock management area includes the adjoining public land from which the docks extend.

“Impoundment” means a body of water formed by constructing a dam across a waterway.

“Public dock” means a dock constructed and maintained to provide public access from public land to a water body.

“Public land” means land that is owned by the state, a city or a county, or land that has been dedicated for public access to a public water body.

“Public water body” is a water body to which the public has a right of access.

“Shoreline property” means a parcel of property adjoining (littoral to) a lake or adjoining (riparian to) a river or other navigable stream.

“Slip” means a mooring space, usually adjacent to a dock, sometimes accessed by a catwalk.

“Water body” means a natural lake, river, or other stream, artificial lake or other impoundment, or an excavated pit.

571—16.2(461A,462A) Reserved.

571—16.3(461A,462A) Standard requirements for all docks. All docks are subject to the following requirements:

16.3(1) Adverse impacts on aquatic ecosystem. All docks, hoists and related structures shall be located, sized, configured, constructed and installed to limit their adverse impacts on the aquatic ecosystem. In areas of sensitive aquatic habitat, docks and hoists shall be located, configured, constructed and installed to minimize harm to aquatic habitat. Other restrictions may be placed on docks that are in a component of a state protected waters area as necessary to protect the natural features of the designated area.

16.3(2) Adverse impacts on access for public recreational use. A dock shall not be configured to enclose an area of a public water body and create a private water area or otherwise adversely affect public recreational use of the water body. Where walking or wading parallel to the shore below the ordinary high-water mark would be physically practical except for the obstruction created by a dock, the dock owner shall not prevent a person from stepping on or over the dock to bypass the obstruction.

16.3(3) Location and offsets. To the extent practical, a dock and boat hoists shall be placed near the center of the shoreline property frontage and installed perpendicular to the shoreline to maximize offsets from neighboring properties. Each dock, hoist, moored vessel and other permitted structure shall be offset a minimum of 5 feet from an adjoining property line and 5 feet from the projection of a line perpendicular from the shoreline at the common boundary with adjoining shoreline property. A minimum gap of 10 feet must be maintained between adjoining docks (including “L” or “T” or catwalk segments), hoists or moored boats. Where projection of a line perpendicular from the shoreline is impractical it is the intent of this rule that a 10-foot gap be maintained in a manner that is equitable to each adjoining shoreline owner.

16.3(4) Length. A dock shall not extend farther from the water's edge than the distance necessary for reasonable access to the water body in relation to characteristics of the water body in the vicinity of the dock site and the impacts on water body and other users. Access to maintain one or more boats in water with a minimum depth of 3 feet shall be considered sufficient access.

16.3(5) Display of 911 address. Each dock owner shall display the 911 address, including the street and city, assigned to the property served by the dock. The owner of a dock authorized by individual permit shall also display the dock permit number. The information shall be displayed in block letters and numbers at least 1 inch high in a color contrasting to the background, on the water end of the dock, facing away from shore and plainly visible.

16.3(6) Winter removal. Each dock must be removed from public waters before December 15 of each year and not reinstalled until the following spring unless the removal requirement is waived by a condition of a dock permit or by 16.18(461A,462A).

16.3(7) No enclosure of private docks. Private docks and docks in dock management areas shall not be enclosed by roofs or sides. Hoists may be enclosed by roofs and sides constructed of soft-sided natural fiber or synthetic fiber materials for the purpose of protecting watercraft.

16.3(8) Materials and flotation specifications. All new structures, if a floating facility, authorized by this chapter shall use flotation methods and devices of a type constructed of low density, closed cell, rigid plastic foam; high impact polyethylene fiberglass material; untreated wood timbers; or other inert materials to provide flotation. Use of treated wood is prohibited. Synthetic (such as plastic or fiberglass) or metal containers not originally manufactured as flotation devices may be used as dock flotation devices if the following conditions are met: All containers must be cleaned of any product residue; all synthetic containers must be sealed and watertight; and all containers must be filled with a closed cell rigid plastic foam and sealed watertight.

16.3(9) Flow of water. All docks shall be constructed and placed in a manner that allows the free flow of water beneath them.

16.3(10) Excavation, fill and aquatic vegetation removal prohibited. No bed material may be excavated, fill placed, or aquatic vegetation removed below the ordinary high-water mark of a water body in association with construction of a dock unless excavation, placement of fill, or aquatic vegetation removal is specifically authorized by a construction permit issued under 571—Chapter 13.

16.3(11) Storage, use, and dispensing of fuel. The storage, use, or dispensing of any fuel on a dock on or over public water or adjacent public land shall be in compliance with Iowa Code Chapter 101 and administrative rules that implement Chapter 101.

16.3(12) Electrical service. Any electrical service on or leading to any dock used for storage or dispensing of fuel must comply with the National Electric Code, latest revision. All electrical service leading to docks shall include ground fault circuit protection.

16.3(13) Anchoring of river docks. All river docks must be securely anchored to prevent them from becoming floating hazards during times of high river flows. The riparian owner is responsible for dock retrieval and removal when necessary to prevent or remove a navigation hazard.

16.3(14) Access for inspection. A dock or boat hoist, raft, platform, mooring buoy or any other structure on a public water body may be physically inspected at any time by a

representative of DNR as needed to determine whether it was placed and maintained consistent with the requirements in these rules or a permit issued under these rules.

571—16.4(461A,462A) General permits for private docks. This rule establishes “general permits” until December 15, 2012, for private docks that conform to all of the following criteria:

16.4(1) Dock and two hoists for shoreline parcels. This general permit allows a total of one dock and up to two hoists serving one residence. It also authorizes a “common dock” serving two or more residences located on adjoining shoreline properties. A common dock may include up to 3 hoists per property and be eligible for the general permit. The dock must extend from shoreline property on which one or more of the residences are located.

16.4(2) Dock length limits. A dock on a natural lake may extend the greater of 100 feet from the water’s edge or far enough so that the outer 50 feet of the dock is in three feet of water up to a maximum of 300 feet. These lengths shall be measured from the water’s edge when the dock is installed. A dock on an artificial lake or river may extend the lesser of 50 feet from water’s edge or one-fourth of the width of the waterway measured from the water’s edge when the dock is installed. However, the department may give notice to a property owner that a shorter dock length is necessary to avoid interference with navigation or an adjoining property owner’s access. The width of an “L” or “T” section at the outer end of a dock shall be included in measuring the length of the dock.

16.4(3) Width and configuration of docks on natural lakes. A dock on a natural lake shall have no more than one “L” or “T” segment. The total length of the “L” or “T” segment facing opposite from shore shall not be greater than 20 feet including the width of the dock. The total area of the “L” or “T” shall not exceed 200 square feet. That part of the main dock forming the center of a “T” segment or an extension of an “L” segment shall be included in measuring the area of the “T” or “L” segment. No other part of the dock may be more than 6 feet wide. Catwalks shall be at least 2 feet wide and considered as part of the dock. Catwalks shall be limited in length as in an “L” or “T” segment of the dock construction and shall not extend beyond the width of the hoist, except that a catwalk may be extended around the hoist for access to the hoist.

16.4(4) Compliance with standard requirements. The dock and associated hoists must comply with the standard requirements in 16.3(461A,462A) for all docks.

16.4(5) Other structures. Placement of any other anchored or floating structure, such as a swim raft, requires that either an individual private dock or a commercial dock permit be obtained.

16.4(6) General permit for private docks in specified other areas. This subrule establishes a general permit until December 15, 2012, for private docks in certain areas where circumstances, including narrowness of the water areas, requires different dock and hoist configurations. In the following areas, docks that fail to comply with the 10-foot “gap” requirement in subrule 16.3(3) but meet other standard dock requirements in 16.3(461A,462A) are eligible for a general permit unless they obstruct navigation or an adjoining property owner’s access: canals off West Okoboji Lake; Okoboji Harbor; inside harbor of Harborage at Clear Lake; Venetian Village canal at Clear Lake; Cottage Reserve on Lake MacBride; Lake Panorama; canals at Lake Manawa; and Lake Delhi.

571—16.5(461A,462A) General permit for docks permitted by Corps of Engineers. This rule establishes a general permit until December 15, 2012 for docks authorized by permits or leases

issued by the U.S. Army Corps of Engineers on waters under joint jurisdiction of the department and the U.S. Army Corps of Engineers.

571—16.6(461A,462A) General permit for docks authorized by cities and counties that own or otherwise control shoreline property. This rule establishes a general permit until December 15, 2012, for docks authorized by a city or county to extend from public land owned or controlled by the city or county. This general permit is subject to the condition that the docks shall comply with the standard requirements in 571—16.3(461A,462A). A dock on a natural lake may extend the greater of 100 feet from the water's edge or far enough so that the outer 80 feet of the dock is in three feet of water up to a maximum of 300 feet. These lengths shall be measured from the water's edge when the dock is installed. The city or county authorizing maintenance of a dock and boat hoists shall be responsible for enforcing the standard requirements. The department reserves authority to determine whether the requirements of rule 16.3(461A,462A) and the length limit are met upon complaint of a person who claims that a public or private right is adversely affected by a permitted dock. If the department determines that a dock or hoist must be moved or removed from the water body because of an adverse effect, the department shall issue an administrative order to the city or county that is authorizing maintenance or use of the dock and to the person who is maintaining or using the dock. Issuance of the administrative order shall trigger a right of the city or county and the affected person to a contested case. If shoreline property is public land but there is uncertainty concerning the relative authority of the city or county and the department, permits for docks extending from the public land shall be issued pursuant to an inter-agency agreement between the city or county and the department.

571—16.7(461A,462A) Individual private dock permit criteria. In determining whether to issue a permit for an individual private dock or condition the permit by denying an application in part, the Department shall apply the following criteria:

16.7(1) An individual private dock permit shall require docks or hoists to comply with requirements in 571—16.3(461A,462A) except as provided in 16.9 and 16.10 of these rules.

16.7(2) An individual private dock on a natural lake may be permitted to extend 100 feet from the water's edge or far enough so that the outer 80 feet of the dock is in three feet of water when the dock is installed. These lengths shall be measured from the water's edge when the dock is installed. If the water level declines after installation, additional segments may be installed during the season as needed to maintain 80 feet of dock in 3 feet of water, up to a maximum length of 300 feet from the water's edge. The maximum permitted length of an individual private dock on an artificial lake or river is the lesser of 50 feet from water's edge or one-fourth of the width of the waterway measured from the water's edge at normal water levels. The width of an "L" or "T" section at the outer end of a dock shall be included in measuring the length of the dock.

16.7(3) The maximum number of hoists authorized by a permit for an individual private dock is one hoist for every 12.5 feet of shoreline.

16.7(4) Permitted "L" or "T" segments of an individual private dock on a natural lake shall not contain more than a total of 240 square feet including the area of the adjoining parts of the main dock.

16.7(5) An individual private dock may be exempted by permit condition from the winter removal requirement in appropriate circumstances under criteria in 16.18(461A,462A) of these rules.

571—16.8(461A,462A) Commercial dock permit criteria. In determining whether to issue a permit for a commercial dock or condition the permit by denying an application in part, the department shall apply the following criteria:

16.8(1) A commercial dock permit shall require docks or hoists to comply with requirements in 16.3(461A,462A) except as provided in 16.9 and 16.10 of these rules. Greater offsets may be required for new commercial docks or hoists if needed to minimize boat traffic and congestion that spills over in front of other shoreline property not owned or controlled by the applicant.

16.8(2) A commercial dock on a natural lake may be permitted to extend a maximum of 300 feet from the water's edge. However, the applicant must provide justification for a length greater than 150 feet and demonstrate that there are no appropriate alternatives available.

16.8(3) The maximum number of hoists or slips authorized by a permit for a commercial dock is one hoist or slip for every 12.5 feet of shoreline. This limit shall not apply where a business operated on the shoreline property primarily involves boat sale, rental, storage, or other boat services. In calculating the hoist limit, "courtesy" hoists shall not be counted if they are provided without charge to boaters to temporarily moor their boats while they go ashore to access services at a business on the shoreline property.

16.8(4) A permit for a commercial dock shall not be issued or the permit will include restrictions as needed to prevent uses of the dock that would be incompatible with zoning of the shoreline property from which the dock extends (including special exception uses or variances recognized by the local governing body).

16.8(5) Authorization for roofs or sides on commercial docks or slips may be restricted as needed to minimize adverse visual impact on owners of other property and the public.

16.8(6) Each mooring site (slip) shall be marked by an identifying number or letter, block style at least 3 inches high of contrasting color and located uniformly near the vessel's bow location.

571—16.9(461A,462A) Exceptions for renewal of permits for existing docks. Permits shall include exceptions to the length limits in 16.7(1)"b" and 16.8(1)"b" for docks up to 300 feet long that were lawfully installed and maintained before the effective date of the length limits. Permits shall include exceptions to the hoist limit in 16.7(1)"c" and 16.8(3), and the platform size limit in 16.7(1)"d" for docks and hoists that were lawfully installed and maintained before the effective date of the limits. An exception to the offset requirements in 16.3(3) of these rules shall be granted under the following circumstances: with written consent of each affected adjoining property owner; when the applicant provides an affidavit attesting that the affected adjacent owner named in the affidavit has verbally given the applicant consent for the requested exception; or when the adjoining shoreline parcel is burdened by restrictive covenants, easements, or other valid use restrictions which impose on the owner of the parcel an obligation to tolerate docks and hoists that would otherwise violate offset or gap requirements in 16.3(3) of these rules.

571—16.10(461A,462A) Exceptions for new structures. Permits may include exceptions to the length limit in 16.7(1)"b," the hoist limit in 16.7(1)"c" and 16.8(3), and the platform size limit in 16.7(1)"d", if the applicant justifies the need for an exception and proposes a

configuration of dock(s) and hoists that minimizes adverse impacts on the water body and other users. An exception from the offset requirements in 16.3(3) may be granted under the circumstances listed in 16.9 of these rules.

571—16.11(461A,462A) Docks advisory committees. The department's law enforcement bureau shall establish a docks advisory committee of citizen volunteers for the Iowa Great Lakes and one for Clear Lake. Each committee shall consist of 7 individuals, selected by the district law enforcement supervisor to represent, to the extent practical, the following different interests: one person representing commercial docks; one person representing private docks serving individual residences; one person representing private docks serving condominium-type or time-share residential complexes; one person representing a local governmental body; and 3 individuals representing the interests of the general public. Before granting a permit that includes an exception under 16.10(461A,462A) or a permit for new or larger commercial dock facilities, the law enforcement bureau shall provide copies of the application to members of the applicable docks advisory committee and allow a minimum of 14 days for comments from any member. Vacancies on the advisory committee shall not be basis for delaying the permit process. The law enforcement bureau shall establish the advisory committees as soon as practical after the effective date of this rule. This authorization for the advisory committees shall terminate if not renewed by December 15, 2012.

571—16.12(461A,462A) Initial decision and right of appeal. The district law enforcement supervisor shall issue an initial decision in the form of a permit or a permit denial. Granting of any request for an exception under rule 16.10(461A,462A) shall require approval from the law enforcement bureau chief or the chief's designee. If the district law enforcement supervisor decides to deny the permit or to issue a permit with specific conditions that deny the application in part, the written decision shall include notice of the applicant's right to request a contested case proceeding under 571--Chapter 7. If a request for an exception under 16.10(461A,462A) is disapproved by the law enforcement bureau chief or designee, the applicant may request a variance or waiver under the provisions of Iowa Code section 17A.9A and 571--Chapter 11.

571—16.13(461A,462A) Application form and administrative fees.

16.13(1) The applicant for a permit for an individual private dock serving one or more residences or a commercial dock shall submit to the department a completed application on the applicable DNR dock permit application form. If the applicant is not the owner of the shoreline property from which the dock extends, the applicant shall identify the contractual relationship between the applicant and each property owner and shall submit as part of the application the written consent from each owner. The application form shall be accompanied by accurate plans and drawings as specified on the form. The drawings shall accurately show the size and location of each boat hoist, slip, platform, catwalk, buoy, or other structure to be maintained in front of the shoreline property. Docks in front of non-adjoining shoreline properties on the same water body owned by the same person or legal entity may be included in one application. An application for renewal of a permit for an existing dock and hoists must specifically describe each requested modification. The applicant shall submit an administrative fee with the application. The completed application form and payment should be submitted to the district DNR law enforcement office in which the proposed dock is located. The application will be assigned to a conservation officer to investigate.

16.13(2) The permit application fee shall be \$125 for one or more individual private docks and \$250 for one or more commercial docks. A private dock permittee shall pay an annual administrative fee of \$50 for each hoist or slip in excess of a total of 4 hoists or slips. A commercial dock permittee shall pay an annual administrative fee of \$50 for each hoist or slip in excess of a total of 6 hoists or slips, except those hoists or slips designated in the permit as “courtesy” mooring for customers and affixed with signs identifying them courtesy hoists or slips. The hoist/slip fee shall be due on March 1 of each year or whenever a permit is modified by adding a hoist or slip. Any fees owed to the department must be paid in full prior to the installation of any portion of an individual private dock or commercial dock and before a boat is placed in a hoist or slip. The department may waive the permit application fee if the application is for a minor modification of an existing permit without an extension of the term of the permit.

571—16.14(461A,462A) Application forms. [Develop forms list here]

571—16.15(461A,462A) to 16.16(461A,462A) Reserved.

571—16.17(461A,462A) Duration and transferability of permits; refund of application fees; suspension, modification, or revocation of permits; complaint investigation; property line location.

16.17(1) Duration and transferability of dock permits; administrative fee refunds. Each dock permit shall be issued for a term of 5 years unless a shorter term is needed due to specified circumstances. The administrative fee paid with an application is nonrefundable unless the application is withdrawn before the department incurs administrative expense in investigating the application. A dock permit is not automatically transferable to a new owner of the shoreline property. A purchaser of shoreline property who acquires an existing permitted dock in the real estate transaction must request approval for transfer of the permit.

16.17(2) Suspension, modification, or revocation of permits. A dock permit may be modified, suspended, or revoked, in whole or in part, by written notice served in compliance with Iowa Code section 17A.18, if the director determines that the dock is a hazard to other users of the water body, that a violation of any terms or conditions of the permit has occurred, or that continuation of the permit is contrary to the public interest. Such modification, suspension, or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the modification, suspension, or revocation, the reasons for the action, and any corrective or preventative measures to be taken by the permittee to bring the dock, structure, or activity into compliance. Within 30 days following receipt of the notice of a revocation or modification, or during the course of a suspension, the permittee may request a hearing in order to present information demonstrating that the alleged violation did not occur, or that required corrective and preventative measures have been taken, or any other information relevant to a decision as to whether the permit should be reinstated, modified, or revoked. The hearing shall be conducted as prescribed by 571—Chapter 7. After completion of the hearing, a final decision will be made concerning the status of the permit. In the event that no hearing is requested, notices of modification and revocation shall remain in effect and suspended permits shall be reinstated, modified, or revoked.

16.17(3) Investigation of complaints. Any person adversely affected by a permitted dock or associated boat hoist may request, in writing, an investigation and a hearing to reconsider the

permit. Requests for hearings shall specify adverse affects on the complainant and shall be made in accordance with procedures described in 571—Chapter 7.

16.17(4) Determining property boundaries. An applicant for a permit, a permittee, and an owner of shoreline property adjoining property of an applicant or permittee are responsible for determining the accurate location of common boundaries of their respective properties.

571—16.18(461A,462A) Exemptions from winter removal requirement. This rule provides for exemptions from the general requirement in Iowa Code section 462A.27 that non-permanent structures be removed on or before December 15 of each year. Docks and other structures subject to destruction or damage by ice movement must be removed. Where a dock may be left in ice without damage to the dock, it must have reflective material visible from all directions to operators of snowmobiles or other motorized machines lawfully operated on the frozen surface of the water body. Generally, ice damage is greatest on Iowa's rivers and natural lakes. Docks must be removed by December 15 of each year unless they have the required reflective materials and are specifically exempted by a condition of a dock permit or located in one of the areas listed as follows: artificial lakes; Upper Gar Lake; canals off West Okoboji Lake; Okoboji Harbor; Lazy Lagoon portion of Triboji dock management area; Smith's Bay on West Okoboji Lake; area between the trestle and U.S. Highway 71 bridges on Okoboji lakes; Templar Park on Big Spirit Lake; Venetian Canal and Harborage Inlet on Clear Lake; Casino Bay of Storm Lake; canals off Lake Manawa and Carter Lake. A permit shall not authorize an exception from the winter removal requirement unless the applicant provides adequate documentation that the dock will not be damaged by normal ice movement.

571—16.19(461A, 462A) General conditions of all dock permits. All dock permits, unless specifically excepted by another provision of this chapter, shall include the following conditions of approval:

16.19(1) All activities and structures authorized by a dock permit must comply with the requirements of the permit and the permittee shall maintain the structure or work authorized by the permit.

16.19(2) The permit creates no interests, personal or real, in the real estate below the ordinary high water line nor does it relieve the requirement to obtain federal or local assent when required by law for such activity. The permit does not authorize the permittee to prevent the public from using areas of the water body adjacent to the permitted structure. However, a lawfully permitted private dock or commercial dock is property of the permittee. Use of the dock is reserved to the permittee and the permittee's invitees.

16.19(3) A permit is valid only while the permittee has the necessary permissions to use the adjoining shoreline parcel from which the dock projects.

16.19(4) The permittee shall not charge a fee for use of the dock or associated structure unless: the permit is for a commercial dock; the fee is expressly authorized by the permit; or the permittee is a homeowners' association and the fee is for recovery of expenses incurred in providing the access to the association's members.

571—16.20(461A,462A) Permit criteria for rafts, platforms, or other structures. A raft, platform or other structure maintained on a public water body requires authorization in a permit. It may not be placed more than 250 feet from the shoreline and shall be equipped with reflectors visible from approaching boats.

571—16.21 to 16.24(461A, 462A) Reserved.**571—16.25(461A) Designation or modification of dock management areas.**

16.25(1) Dock management areas; purposes and status. The director may designate an area of public land under the commission's jurisdiction and adjoining water as a dock management area. Docks in a dock management area are public docks. However, the dock permittees have priority use of the docks for mooring of vessels. The docks may be used by the public for fishing and emergency mooring when public use does not interfere with the permittee's use. Other uses allowed by the permittee shall be the responsibility of the permittee. The department intends to authorize continuation of all dock management areas existing on June 1, 2006, unless adverse impacts require changes in the size of an existing dock management area.

16.25(2) Criteria for designation or enlargement. In designating a dock management area or authorizing enlargement of an existing dock management area, the director shall apply the following criteria:

- a. The shoreline in question shall be public land and shall have been developed and managed for recreational access to water.
- b. The establishment or enlargement of a dock management area shall not adversely affect other public recreational use of the water body.
- c. A dock management area shall not be established or enlarged where depth or bottom configuration is incompatible with the placement of docks.
- d. A dock management area shall not be established or enlarged where fish and wildlife habitat, other natural resources or scenic features would be disturbed by the presence of docks.
- e. Documentation of need for a new or larger dock management area and lack of adverse impacts of the proposal must be sufficient to clearly outweigh and overcome a presumption against increasing the number or size of dock management areas.

571—16.26(461A) Procedures and policies for dock site permits and hoist or slip assignments in dock management areas. A dock site permit authorizes a person to install and maintain a public dock in a designated dock management area. Each permit shall identify the number of hoists or slips to be included for storage of boats at the dock. A separate hoist or slip assignment will be issued for each hoist or slip space at the dock. For purposes of these dock management area rules, "permittee" means the person(s) to whom a dock permit is issued and the person(s) to whom each hoist or slip assignment is issued. Application forms for dock site permits and hoist or slip assignments in a dock management area will be made available at a nearby DNR office. Dock site permits and hoist or slip assignments shall be available to all members of the public through a selection process. Selection shall be based on the following order of priority and a waiting list shall be established that follows the same order of priority. First priority is for owners of residences adjoining or immediately across a street from the public land; second priority is for owners of other residences within the housing association or subdivision adjoining or immediately across a street from the public land; third priority is for all other Iowa residents; fourth priority is for nonresidents. The order of priorities, changes in the number of residential units per dock site, and changes in the number of vessels per residential unit will be made effective as existing permits expire. For purposes of these dock management

area rules, “residence” means a single residential living unit, which may be a rental unit. Notwithstanding these priorities, if property in the first or second priority category is redeveloped with higher density residential living units, there is no assurance that dock, hoist or slip space will be available to accommodate such increased density ahead of other property included in the first or second priority categories.

571—16.27(461A) Standard requirements for dock management area docks. Docks in dock management areas shall conform to the following requirements.

16.27(1) Occupancy of docks. At least two residences shall share a dock. The department may require that more residences share a dock if there is a waiting list including people in the first or second priority categories established by 16.26(461A,462A). A maximum of six residences shall share a dock.

16.27(2) Spacing and alignment. Dock sites where feasible shall be at least 50 feet apart.

16.27(3) Dimensions.

a. Length. A dock may extend the greater of 100 feet from the water’s edge or far enough so that the outer 80 feet of the dock is in three feet of water up to a maximum of 300 feet, but the dock shall be no longer than the length for which the applicant provides justification and the length shall be stated in the permit.

b. Width. Docks shall be at least 4 feet wide and no more than 6 feet wide.

16.27(4) Configuration.

a. "L" or "T." A dock shall have no more than one “L” or “T” segment. The total length of the "L" or "T" segment facing opposite from shore shall not be greater than 20 feet including the width of the dock. The total area of the "L" or "T" shall not exceed 200 square feet. That part of the main dock forming the center of a “T” segment or an extension of an “L” segment shall be included in measuring the area of the “T” or “L” segment. A smaller platform size limit may be required at locations specified by the department because of limited available space.

b. Catwalks. Catwalks shall be at least 2 feet wide and considered as part of the dock. Catwalks shall be limited in length as in an "L" or "T" segment of the dock construction and shall not extend beyond the width of the hoist.

c. Hoists. A hoist or other boat storage structure shall not be placed adjacent to any “L” or “T” portion of a dock or dock segment more than six feet wide. The hoist shall not exceed 10 feet in width at locations specified by the department because of limited available space.

16.27(5) Exceptions for certain dock management areas.

a. In artificially constructed lagoon or harbor areas, the configuration and dimensions of the docks, catwalks and hoists shall be determined by the department on an individual basis taking into consideration the physical characteristic of the area, the mooring pattern of boats and public safety. A maximum of two residences, each in accordance with 16.26(461A) shall share a single dock site.

b. In the dock management areas at Lake Macbride, the Clear Lake Harbourage, and Lake Odessa, occupancy and the configuration and dimensions of the docks, catwalks and hoists

shall be determined by the department on an individual basis taking into consideration the physical characteristics of the area, the mooring pattern of boats and public safety.

16.27(6) Display of dock management area sign. Each individual dock site shall be marked with a sign provided by the department. The end of the dock facing the water shall be marked with the DMA name and dock number as assigned by the department.

16.27(7) Other requirements. Standard requirements found in 16.3(461A,462A) shall apply to all docks in a dock management area except requirements relating to property line offsets and display of information.

571—16.28(461A) Dock management area permit restrictions and conditions. The following conditions and restrictions shall apply to docks in a dock management area.

16.28(1) Use of dock for mooring. Only the persons named as permittees shall have use of the dock for mooring. All vessels must be registered to the permittees and listed on the dock management area permit. A dock site permit or hoist/slip assignment may authorize an exception to allow a vessel of a tenant of the permittee's residential rental unit.

16.28(2) Equitable sharing of dock costs. Permittees shall agree on the equitable sharing of the cost of construction, installation, maintenance and removal of the dock and any other components to the dock.

16.28(3) Number of assignments allowed. Only one dock assignment may be allocated to a residence.

16.28(4) Number of hoists allowed. Each permittee may be limited to one hoist for one vessel. The number of hoists and vessels for each permittee should be limited, especially where there is a waiting list including people in the first or second priority categories established by 16.26(461A,462A).

16.28(5) Nontransferability of dock permits and privileges. Dock permits and hoist or slip assignments shall not be transferred, assigned or conveyed by the permittee to any other person.

16.28(6) Liability insurance. Prior to constructing a dock or installing hoists, the dock site permittee shall provide proof of current liability insurance in the amount of \$1,000,000 and naming the department as an additional insured party.

16.28(7) Winter storage of docks, catwalks and hoists on public property. Winter storage of docks, catwalks and hoists on public property shall not be allowed unless specifically authorized by a dock site permit or hoist assignment. Docks, hoists and catwalks shall be stored at locations determined by the state parks bureau district supervisor as appropriate for an individual dock management area. A dock, catwalk or hoist stored on public land without authorization from the department may be removed by the department at the owner's expense.

16.28(9) Land use restrictions. Nothing shall be constructed or placed on public land adjacent to any dock in a dock management area under this rule unless the construction or placement is a necessary appurtenance to the dock as determined by the director.

16.28(10) Expiration of permits. The term of a dock site permit and a hoist or slip assignment shall not exceed five years. Renewals shall be requested on a current application form.

16.28(11) Cancellation for nonuse. A dock site permit or hoist/slip assignment may be cancelled for non-use in order to provide space for people on a waiting list .

16.28(12) Other permit restrictions and conditions. All restrictions and conditions in 16.19(461A,462A), except subrule 16.19(3), shall apply to all docks in a dock management area.

571—16.29(461A) Fees for docks in dock management areas.

Payment of the annual dock site permit fee shall be made upon application. Payment of the annual hoist or slip fee shall be made upon application for the hoist or slip assignment. These fees may be paid in a lump sum in advance for the term of the permit or assignment. Failure to pay the annual fee by April 1 of any year may result in revocation or cancellation of the permit or assignment. Payment of any dock management area fee under this rule shall be made to the department of natural resources as specified in the permit.

	Dock Fee	Hoist Fee
Beed's Lake	\$100	\$50
Black Hawk Lake Marina	\$200	\$50
Black Hawk Lake/Denison	\$200	\$50
Black Hawk North Shore	\$200	\$50
Blue Lake	\$100	\$50
Clear Lake Ventura Heights	\$250	\$50
Clear Lake Harbourage	\$600	\$100 – hoist or slip fee
Clear Lake North Shore	\$250	\$50
East Okoboji Beach	\$250	\$50
Triboji Lakeshore	\$250	\$50
Triboji Lazy Lagoon	\$250	\$50 - hoist or slip fee
Pillsbury Point	\$250	\$50
Lower Pine Lake	\$100	\$50
Lake Macbride The Pines	\$600	\$100 – slip fee
Lake Macbride Lakecrest	\$600	\$100 – slip fee
Rice Lake	\$100	\$50
Union Grove	\$100	\$50
Odessa	\$100	\$25

571—16.30(461A) Suspension, modification or revocation of dock management area permits. A dock management permit may be modified, suspended, or revoked, in whole or in part, by written notice, if the director determines that the dock is not safe, that a violation of any terms or conditions of the permit or these rules has occurred, or that continuation of the permit is not in the public interest. Such modification, suspension, or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the modification, suspension, or revocation, the reasons for the action, and any corrective or preventative measures to be taken by the permittee to bring the dock, structure, or activity into compliance. Within 30 days following receipt of the notice of a revocation or modification, or during the course of a suspension, the permittee may file a notice of appeal, requesting a contested case pursuant to 571—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be reinstated.

571—16.31(461A) Persons affected—hearing request. Any person who claims that riparian or littoral property rights are adversely affected by a dock management area dock permit may request, in writing, a hearing to reconsider the permit. Requests for hearings shall show cause and shall be made in accordance with procedures described in 571—Chapter 7.

Date

Jeffrey R. Vonk

Ken Herring briefly reviewed the proposed dock rules.

Motion was made by Commissioner Duncan to approve Notice of Intended Action—Chapter 16, Docks. Seconded by Commissioner Moore.

Following a question from Commissioner Marcantonio, Herring explained that the grandfather clause will transfer with the property.

Kirk Kraft, Former Mayor of Clear Lake, spoke regarding dock and hoist rules. He reviewed that they, as stakeholders, had been working with the Department in revising the dock rules for the past two years. He said the proposed rules are close to a good set of rules but do not fit every situation. Mr. Kraft proposed that DNR continue to work on those differences and allow for some exceptions or variances on an individual basis.

In answer to Commissioner Duncan, Mr. Kraft acknowledged he is in favor of the proposed dock rules. He said their intent is to work within the framework of the rules, through a variance process or the grandfather clause or other exceptions in the rules.

Dale Entner, Clear Lake, Iowa, spoke regarding the dock and hoist rules. He said the dock rule revisions have been a long, tedious process. He presented letters of concerns and comments from various organizations around the Clear Lake area. Mr. Entner expressed appreciation of the Department's willingness to keep a line of discussion open toward compromise and working on an individual basis. He said there is concern in Clear Lake about losing revenue if the rules are followed as written. Mr. Entner remarked that he appreciates the patience shown by DNR staff in re-writing the dock rules.

Motion carried unanimously.

NOTICE APPROVED

MANAGEMENT AGREEMENT RENEWAL WITH DUBUQUE COUNTY FOR LITTLE MAQUOKETA RIVER MOUNDS STATE PRESERVE

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission is requested to approve renewal of the management agreement between Dubuque County, the Dubuque County Conservation Board and the DNR for the care and maintenance of Little Maquoketa River Mounds State Preserve until December 31,

2031. The Dubuque County Conservation Board has managed the preserve since 1982. Both the Dubuque Conservation Board and the Board of Supervisors have approved the renewal.

The preserve is a 42 acre area containing an ancient burial mound group. There are thirty-two conical and linear burial mounds in the preserve, ranging from six inches to four feet in height and from twelve to forty feet in diameter. They were constructed during the Late Woodland period between A.D. 700 and 1200.

The Dubuque County Conservation Board will continue to allow public access to the area and manage the property in a manner consistent with the Articles of Dedication for the preserve.

MANAGEMENT AGREEMENT

LITTLE MAQUOKETA RIVER MOUNDS STATE PRESERVE DUBUQUE COUNTY

THIS AGREEMENT is made by and between the state of Iowa, acting through the Iowa Department of Natural Resources (DNR), Dubuque County (the County), and the Dubuque County Conservation Board (the Board).

WHEREAS, the DNR and the Board have jointly determined that it is in the public interest to transfer the care and maintenance of certain lands in the Dubuque County, locally known as the Little Maquoketa River Mounds State Preserve Area, containing 44.71 acres, more or less and more particularly described as:

A parcel of land located in Section 34, TWP 90N, Range 2E of the 5th P.M., Dubuque County, Iowa, as shown on Right of Way Plat Exhibit "A" attached hereto and by reference made part hereof. Said parcel is described as follows:

Commencing at the south quarter corner of said Section 34; thence West 123.1 feet along the south line of the southwest quarter of said Section 34 to a point on the centerline of Old U.S. Hwy. No. 52; thence N10°3.4'E 285.1 ft.; thence S63°1/2'E 136.8 ft. thence southeasterly 432.6 ft. along a 5854.6 ft. radius curve, concave northeasterly, and having a chord bearing S36°1/2'E, said line being 125 ft. radially distant southwesterly and concentric with the centerline of Present U.S. Hwy. No. 52; thence westerly 286.9 ft. along a 348.8 ft. radius curve, concave northerly, and having a chord bearing concentric with the centerline of a local road connecting Old U.S. Hwy. No. 52 and Present U.S. hwy. No. 52; thence N80°1/4'W 31.2 ft.; thence N10°1/4'E 162.1 ft. along a line 35 ft. normally distant from and parallel to the centerline of said Old U.S. Hwy. No. 52; thence N79°26 1/2'W 35.0 ft. to the Point of the Beginning; containing 2.36 acres, more or less.

AND

Lot 1 of Subdivision of Lot 1, Block 1, "Charmel Acres" in Sageville, Dubuque County, Iowa, containing 42.35 acres.

WHEREAS, this agreement is being entered into by both parties under the authorities of Iowa Code Sections 461A.27 and 350.4, 2005 Code of Iowa.

WHEREAS, the parties hereto believe that it would be in the best interests of the people of the state of Iowa and Dubuque County that the care and maintenance of said property be transferred by the DNR to the Board.

NOW THEREFORE, THIS AGREEMENT, WITNESSETH:

1. Pursuant to the provisions of the Iowa Code Sections cited above, the parties mutually agree hereto that the County and the Board shall undertake the development, care and maintenance of certain state-owned lands in the County described above according to the following terms and conditions:

- a. This agreement will become effective on the ____ day of _____, 2006, and continue in full force and effect to and including the 31st day of December 2031.
- b. During the term of this agreement and any extension thereof, the County and the Board shall procure and maintain inclusion of the "State of Iowa" and "Iowa Department of Natural Resources" as additional named insured in the general liability insurance policy carried by the County and/or the Board with limits of at least \$1,000,000 for single incident and \$5,000,000 for umbrella coverage. Said policy shall name "State of Iowa" and "Iowa Department of Natural Resources" as additional insured with respect to operation under this agreement.

The additional cost of adding the "State of Iowa" and "Iowa Department of Natural Resources" to the general liability insurance coverage carried by the County and/or the Board with respect to operations performed under this agreement shall be paid from funds generated in connection with management of state-owned areas in Dubuque County by the County and the Board or from such other funds under the control of the Iowa Department of Natural Resources as it may elect.

The County and the Board agree to develop, care and maintain said property as a state preserve area for the citizens thereof and for the people of the State of Iowa in substantially the same manner as the state-owned preserve areas are developed, cared for, maintained and managed by the DNR. Any new fences and all fence maintenance shall be the responsibility of the Board.

- c. All laws, rules and regulations applying to the use of state-owned access areas under the jurisdiction of the Natural Resources Commission and/or the DNR shall apply to this property insofar as possible, taking into account the terms of this agreement.
- d. The DNR reserves the right to enter upon the premises at any time for any purpose in connection with programs of the DNR and temporarily use the area in such manner as to not materially interfere with the use of the area by the Board.
- e. No trees or other vegetation may be removed or other natural features of the area disturbed without permission of the DNR.
- f. No improvements are to be made to the area until the development plans for such improvements have been submitted to and approved in writing by the DNR. All approved development shall be the express responsibility of the County.
- g. No commercial use may be made of the area.
- h. Upon expiration of this agreement, it may be renewed or the property is to be returned to the DNR in the same general condition as it was at the time of the commencement of this agreement, except for changes caused by an Act of God or by development approved by the DNR.
- i. All DNR signs – directional, area name, or regulation – shall remain in place. The County may add additional signs as it deems necessary.

2. Nothing in this agreement shall obligate or bind either party to the expenditure of funds in excess of funds available to each party.

3. Nothing in this agreement shall deny the right of the public to enter upon and use the area for any lawful purpose whatsoever.

4. This agreement may be terminated upon 30 days' written notice to either party should it be determined that either party is failing to comply with the terms of the agreement. This agreement may be terminated upon 90 days' written notice to either party in the event the Iowa Legislature or any other duly elected or appointed body or official mandates that either party terminates this agreement.

5. The parties may amend this agreement, which may include extension thereof, through mutually written agreement of the parties.

6. The parties agree that, with respect to the use of the property covered by this agreement, the DNR, the County and the Board will not exclude anyone from participation in, deny anyone the benefits of, or otherwise subject anyone to discrimination because of the person's race, color, national origin, age or disability.

STATE OF **IOWA, DUBUQUE COUNTY**: This instrument was acknowledged before me on the _____ day of _____, 2006, by **NAME** as Chairman of the Dubuque County, Iowa Board of Supervisors.

This agreement is entered into under the authority of a resolution adopted at the regular meeting of the Dubuque County Conservation Board on _____, 2006, as shown in the minutes thereof.

BOARD OF SUPERVISORS
DUBUQUE COUNTY

BY _____
NAME
Chairperson

STATE OF **IOWA, DUBUQUE COUNTY**: This instrument was acknowledged before me on the _____ day of _____, 2006, by **NAME** as Chairperson of the Dubuque County, Iowa Board of Supervisors.

STATE OF **IOWA, DUBUQUE COUNTY**: This instrument was acknowledged before me on the _____ day of _____, 2006, by **NAME** as Chairman of the Dubuque County, Iowa Board of Supervisors.

This agreement is entered into under the authority of a resolution adopted at the regular meeting of the Dubuque County Conservation Board on _____, 2006, as shown in the minutes thereof.

COUNTY CONSERVATION BOARD
DUBUQUE COUNTY

BY _____
NAME
President

STATE OF **IOWA, DUBUQUE COUNTY**: This instrument was acknowledged before me on the _____ day of _____, 2006, by **NAME** as President of the Dubuque County, Iowa Conservation Board.

This agreement is entered into under the authority of a resolution adopted at the regular meeting of the Natural Resource Commission on October __, 2006, as shown in the minutes thereof.

IOWA DEPARTMENT OF NATURAL RESOURCES

BY

Jeffrey R. Vonk
Director

STATE OF IOWA, POLK COUNTY: This instrument was acknowledged before me on the _____ day of _____, 2006, by Jeffrey R. Vonk as Director Iowa Department of Natural Resources.

NOTARY PUBLIC FOR THE STATE OF IOWA

Notary Public, in and for the State of Iowa

Motion was made by Commissioner Marcantonio to approve renewal of the management agreement between Dubuque County, the Dubuque County Conservation Board and the DNR for the care and maintenance of Little Maquoketa River Mounds State Preserve until December 31, 2031.

MANAGEMENT AGREEMENT APPROVED

**CHARLES “BUTCH” OLOFSON SHOOTING RANGE AND TRAINING CENTER –
CONTRACT RENEWAL WITH WARMAN MANAGEMENT LLC**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission’s approval is requested to renew a concession contract renewal with Warman Management LLC for the Charles “Butch” Olofson Shooting Range and Training Center. This contract will allow Warman Management LLC (Contractor) to continue to oversee daily operation and groundskeeping of the Charles “Butch” Olofson Shooting Range and Training Center located Northwest of Polk City, Iowa.

The Contractor has been operating Charles “Butch” Olofson Shooting Range and Training Center since July 2002. The Contractor has developed it into a family-oriented range that provides products and services including: handgun and rifle ranges; trap/skeet field; archery area; firearm and ammunition sales; gunsmithing; firearms instruction; target sales; and classroom rental. The Contractor promotes youth programs and provides firearm education.

The Department has identified a direct correlation between the quality of ranges and the number of active hunters in the state. To increase the numbers of hunters in Iowa, the Department is

concentrating efforts to provide safe places for people to target shoot, especially near metro areas with higher population density. The Department has decided to use a contractor to manage the shooting ranges because the Department does not have the internal expertise or personnel to manage a small business. By working with a contractor to manage the Range and provide the different educational and commercial services, the Department is seeing more citizens using the range and feeling comfortable target shooting in a safe environment.

Pursuant to the terms of the contract, the Contractor will: provide \$2 million in general liability insurance coverage and a \$5,000 surety bond to the Department; develop and enforce range rules; operate the range; and pay the DNR a concession fee of \$1500 a year. In addition, the Contractor will be required to file a business plan, which will include a risk management plan, annually with the DNR. This plan will provide the Department with better information about the operation of the range and will create a better partnership between the Contractor and the Department's Shooting Sports Coordinator, who will oversee the work performed at the Range.

Motion was made by Commissioner Marcantonio to renew a concession contract renewal with Warman Management LLC for the Charles "Butch" Olofson Shooting Range and Training Center. Seconded by Commissioner Duncan. Motion carried unanimously.

CONCESSION CONTRACT APPROVED

APPEAL OF PROPOSED DECISION – PHILIP J. MAI

Jon Tack, Attorney, presented the following item.

On December 19, 2005, the Department issued a letter notifying Philip J. Mai of the Department's intent to revoke and suspend his furharvester (including fur hunting) licenses for a period of three years due to six trapping-related convictions entered by the District Court in and for Chickasaw County. Mr. Mai appealed and the matter was presented to Administrative Law Judge Paul McIntyre. On July 6, 2006, Judge McIntyre issued a Decision upholding the Department's suspension and revocation of the furharvester licenses of Philip J. Mai for a period of three years.

Mr. Mai is now appealing this Decision to the Commission. The Commission may uphold the Decision of the Administrative Law Judge, reverse the Decision, or modify the Decision in accordance with the applicable statutes and rules.

Mr. Tack briefly reviewed the case regarding the suspension of the furharvester licenses of Philip J. Mai.

Motion was made by Commissioner Garst to uphold the Decision of the Administrative Law Judge regarding the suspension and revocation of the furharvester licenses of Philip J. Mai for a period of three years. Seconded by Commissioner Moore. Motion carried unanimously.

DECISION UPHELD

CONSERVATION AND RECREATION DONATIONS

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission is requested to approve the following donations.

Parks Bureau:

1. Tom Cardella donated \$250.00 to be used by Lake Macbride State Park for the effort they are making in the ecosystem management plan clearing invasive species and planting native prairie.
2. Iowa Network Services awarded \$100.00 to Lake Macbride State Park through their Charity Grant Program. This award must be used for the purchase of prairie seed.
3. South Slope Coop. Communications Co awarded \$100.00 to Lake Macbride State Park through the INS Grant Matching Program. The funds must be used for the purchase of prairie seed.
4. John Couch donated to the Friends of State State Park a park bench, valued at \$512.00, in memory of his mother.
5. Ben Blatz donated time and materials valued at \$4390.73 on the construction of a stone entrance portal at the Mines of Spain Recreation Area. The portal measures 6'x9'x8'
6. Nicholas Sisler earned his Eagle Scout with donated labor and materials to cut down and remove trees from 300 feet of shoreline along the Mississippi River to create a view from the Mines of Spain Recreation Area in Riprow Valley. The use of a crane, woodchipper, skidloader, chainsaws, dump truck, flatbed trailer and other miscellaneous equipment was donated. The value of the labor and materials was \$15,976.76

The Linn County Recorder donated \$10.00 to the HUSH program.

Keith Eaves donated \$2.00 to be put in the Fish and Wildlife Trust Fund.

Charley and Karla Sutton donated \$1.00 to be put in the Fish and Wildlife Trust Fund.

Motion was made by Commissioner Marcantonio to approve the donations. Seconded by Commissioner Duncan. Motion carried unanimously.

DONATIONS APPROVED

TIMBER SALES

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Cardinal Marsh Wildlife Area, Winneshiek County

The Wildlife Bureau is conducting a timber sale involving approximately 92 acres involving 391 trees (42,120 board feet (Scribner) located on the Cardinal Marsh Wildlife Area. The trees are

located Sections 6, Lincoln Township, T98N, R10W, in Winneshiek County. Trees are marked with blue paint.

This is a scheduled harvest of primarily of mature walnut, maple, and ash. The goal for this site is to release and regenerate mast-producing species such as burr oak and walnut. The 92- acre selective harvest will also create a denser understory which will enhance wildlife habitat. The harvest will improve the health and vigor of young oak and walnut which need additional sunlight.

This proposed sale was visited by DNR Plant Ecologist, John Pearson and Mark Leoschke, DNR Wildlife Bureau Botanist, in October 2005 and inventoried by Mark during the summer of 2006. There was no indication that any endangered plant or animal species are in this area. The area was surveyed in September 2005 and checked again in while marking for harvest in December 2005 for archeological sites and none were notes. Additionally, the area is subject to frequent flooding so the presence of archeological sites is unlikely. The area is far north of the accepted Indiana bat region.

Harvesting will only be allowed when the ground is firm, dry or frozen. Steep slopes will not be harvested. No harvesting will be allowed from December 1-17th, which is shotgun deer season, or between April 1 through August 31st. Access is through State-owned land.

Sealed bids were received until 1 PM., Friday, September 15, 2006, at which time bids were opened and the sale will be awarded to the highest bidder.

The bids were as follows:

<u>TIMBER BUYER</u>	<u>BID AMOUNT</u>
Ray Kirchmeyer, Hawkeye Forest Products	\$27,704.25
Charles Downs	26,128.00
Jim Ulring, Big Timber, Inc.	23,783.00
Jim West, Kendrick Forest Products	23,000.00
Jeremy Kubitz, J.Kubitz Logging	22,078.00
Ed Bruggeman, Sitco, Inc.	16,161.00

Staff recommends that the Commission accept of the bid from Hawkeye Forest Products for \$27,704.25. Hawkeye Forest Products must execute a timber sale contract with the State of Iowa by October 20, 2006, and make payment at that time. Trees must be removed with 18 months of signing the contract. Liability insurance is required. Buyers must be bonded.

SPECIES	# OF TREES	AV. BD. FT./TREE	EST. BD. FT.
Bur Oak	4	130	520
White Elm	30	113	3,400
Red Elm	9	126	1,130

Basswood	40	133	5,310
Ash	79	150	11,880
Black Cherry	1	140	140
Hackberry	21	157	3,290
Cottonwood	3	173	520
Soft Maple	36	136	4,880
Walnut	97	114	11,050
Culls	71		
Totals	391		42,120

Ken Herring introduced Gary Beyer, District Forester and Terry Haindfield, Wildlife Biologist, to talk and answer questions on the timber sales.

Motion was made by Commissioner Duncan to accept the bid from Hawkeye Forest Products for \$27,704.25 for a timber sale involving approximately 92 acres involving 391 trees (42,120 board feet (Scribner) located on the Cardinal Marsh Wildlife Area I Winneshiek Count. Seconded by Commissioner Moore.

Commissioner Garst remarked that when timber sales were talked about at a previous meeting, discussion included posting timber sales on the website a year in advance and providing the public advance notice. She also asked about the Forestry Management Plans and asked if this has happened.

Gary Beyer replied that last March he and Terry Haindfield presented information on the Forest Management Plans to the Commission. He said Forest Management Plans have been completed for all areas in which there are timber sales and those plans have been reviewed by various staff--migratory bird staff, fisheries, wildlife and endangered plants staff. Beyer said these sales are implementing those Plans and are posted on the wildlife bureau web page under interactive mapping. Beyer added that a public meeting was held on the Plans and the timber sale notices are on the web. He related that there was an excellent turnout for the meeting in Decorah from a wide variety of constituents and people with concerns, with great support received. Mr. Beyer went on to say that staff is managing our forest resources for wildlife, water quality and fisheries much better then in the past. He said the forests are being enhanced, not just the harvesting, but also by creation of levels of understory for habitat. The Plans are geared toward the species of greatest conservation need from the Wildlife Action Plan, but the common ones are benefited by this also.

Charles Winterwood, Dubuque, Iowa, Chair of the White Pine Group of Sierra Club, spoke regarding the Cardinal Marsh clear cut. He expressed concern that the area to be cut is frequently flooded, thus water tolerant trees will be removed and oaks, which are less water tolerant will be planted. He expressed concern that those trees will not survive.

Mr. Winterwood also expressed concern about interior clear cuts being done in northeast Iowa. He said that although staff does go out and check for endangered plants, he does not have knowledge of people doing active bird surveys looking for birds of concern or conservation

concern. He said the interior clear cuts open up the surrounding deep woods area to predation from raccoons and other species and if there are deep woods birds of conservation concern in that area, their habitat is being ruined. Mr. Winterwood suggested that more active bird surveys be done on those area marked for clear cut.

Terry Haindfield responded that the Cardinal Marsh timber sale is not a clear cut but rather a selective harvest of about four trees per acre. He said this will create more area for diversity of shrubs in the understory. He added that the clear cuts in other areas are extremely important for oak regeneration and our oak and hickory components. Haindfield said that those appropriate sites also take into consideration migratory bird aspects. He said that Cardinal Marsh has a great history of Audubon Society birding and they have presented with lots of documentation of birds on that area. In addition, the Forestry Bureau has a contract with John Stravers to do some bird inventories on some of the other areas such as Sny Magill.

Director Vonk related that the commission has heard from folks questioning why more forest management by burning is not done. He asked whether more controlled burns on our wildlife areas could be effective to address the issue of loss of oak.

Mr. Haindfield replied that Cardinal Marsh was the first burn that was done in the woodlands. He said that in an oak site, one burn would not be completely effective. He added that periodic burns will be done to set back the maple basswood component in order to encourage the oak trees. Haindfield said that fire definitely is one tool that will be used on some sites, fitting it into the sites where it can be safely and appropriately done for the species that are there. He also described the management to try to create early successional habitat for ruffed grouse.

Motion carried unanimously.

TIMBER SALE APPROVED

Sny Magill Wildlife Area #1, Clayton County

The Wildlife Bureau is conducting a timber sale involving approximately 10 acres involving 540 trees (61,890 board feet (Scribner)) located on the Sny Magill Wildlife Area. The trees are located Sections 8, Mendon township, T94N, R3W, in Clayton County. Trees are marked with blue paint.

This is a scheduled harvest of primarily of mature walnut, red & white oak, basswood, maple, ash and aspen. The goal for this site is to create early successional habitat and consists of two clearcuts. The 6- acre clearcut will be planted to oak, while the 4-acre clearcut will be left to sprout back to aspen through root suckering. The harvest will create excellent early successional habitat for many species of wildlife. The areas are small in comparison to the surrounding woods and there will be ample dead and dying trees in the area for wildlife use.

This proposed sale was checked by Mark Leoschke, DNR Wildlife Bureau Botanist. There was no indication that any endangered plant or animal species are in this area. There are no known archeological sites on the area. The area is far north of the accepted Indiana bat region.

Harvesting will only be allowed when the ground is firm, dry or frozen. Steep slopes will not be harvested. Access is through private land; there is a signed access agreement.

Sealed bids were received until 3 PM., Friday, September 22, 2006, at which time bids were opened and the sale will be awarded to the highest bidder.

The bids were as follows:

Kendrick Logging	\$72,999
Todd Jones	\$56,799
Ed Bruggeman	\$48,761
Nelson Hdwds.	\$48,021
John Flanagan	\$45,100
Wieland & Sons	\$42,921
Charles Downs	\$42,720
Riverside Sawmill	\$36,454
Big Timber	\$31,160
J. Kubitz Logging	\$30,366
Belden Logging	\$26,645

Staff recommends that the Commission accept of the bid from Kendrick Logging for \$72,999.00. Kendrick Logging must execute a timber sale contract with the State of Iowa by October 20, 2006, and make payment at that time. Trees must be removed by March 1, 2007. Liability insurance is required. Buyers must be bonded.

SPECIES	# OF TREES	AV. BD. FT./TREE	EST. BD. FT.
Red Oak	143	151	21,650
White Oak	53	150	7,970
White Elm	5	70	360
Red Elm	13	121	1,570
Basswood	47	132	6,210
Hard Maple	25	121	3,020
Ash	35	126	4,410
Cherry	4	80	320
Hickory	6	90	540
Aspen	40	147	5,870
Walnut	61	163	9,970
Culls	108		
Totals	540		61,890

Motion was made by Commissioner Duncan to accept the bid from Kendrick Logging for \$72,999.00 for a timber sale involving approximately 10 acres involving 540 trees (61,890 board feet (Scribner) located on the Sny Magill Wildlife Area in Clayton County.

TIMBER SALE APPROVED

Sny Magill Wildlife Area #2, Clayton County

The Wildlife Bureau is conducting a timber sale involving approximately 7 acres involving 214 trees (28,840 board feet (Scribner)) located on the Sny Magill Wildlife Area. The trees are located Sections 18, Clayton Township, T94N, R3W, in Clayton County. Trees are marked with blue paint.

This is a scheduled harvest of primarily of mature red & white oak, basswood, ash and aspen. The goal for this site is to create early successional habitat. The 7- acres will be clearcut will be planted to oak. The harvest will create excellent early successional habitat for many species of wildlife. The areas are small in comparison to the surrounding woods and there will be ample dead and dying trees in the area for wildlife use.

This proposed sale was checked by Mark Leoschke, DNR Wildlife Bureau Botanist. There was no indication that any endangered plant or animal species are in this area. There are no known archeological sites on the area. The area is far north of the accepted Indiana bat region.

Harvesting will only be allowed when the ground is firm, dry or frozen. Steep slopes will not be harvested. Access is through private land; there is a signed access agreement.

Sealed bids were received until 3 PM., Friday, September 22, 2006, at which time bids were opened and the sale will be awarded to the highest bidder.

The bids were as follows:

Kendrick Logging	\$16,347
Charles Downs	\$15,874
Todd Jones	\$14,564
Wieland	\$12,045
Nelson Hdws.	\$9,932
J. Kubitz Logging	\$9,420
Belden Logging	\$9,175
Ed Bruggeman	\$9,161
Riverside Sawmill	\$7,926

The successful bidder was Kendrick Logging. Kendrick Logging must execute a timber sale contract with the State of Iowa by October 20, 2006, and make payment at that time. Trees must be removed by March 1, 2007. Liability insurance is required. Buyers must be bonded.

SPECIES	# OF TREES	AV. BD. FT./TREE	EST. BD. FT.
Red Oak	60	213	12,780
White Oak	38	145	5,510
Basswood	26	173	4,500
Hard Maple	8	108	860
Ash	17	132	2,250
Aspen	18	141	2,540
Walnut	4	100	400
Culls	43		
Totals	214		28,840

INFORMATION ITEM

North Bear Wildlife Area, Winneshiek County

The Wildlife Bureau is conducting a timber sale involving approximately 32 acres involving 440 trees (42,060 board feet (Scribner) located on the North Bear Wildlife Area. The trees are located Sections 25 & 36, Highland Township, T100N, R7W, in Winneshiek County. Trees are marked with blue paint.

This is a scheduled harvest of primarily of mature red, black and white oak on three sites. The goal for this site is to regenerate oak and the site and to create early successional habitat for wildlife. The 20- acre selective harvest will also create a denser understory in the wooded portion which will enhance wildlife habitat. The two 6-acre clearcuts will be planted with oak so that the oak component remains on the area and are located near the forest edges.

This proposed sale was visited by DNR Plant Ecologist, John Pearson and Mark Leoschke, DNR Wildlife Bureau Botanist, in October 2005 and inventoried by Mark during the summer of 2006. There was no indication that any endangered plant or animal species are in this area. A check of the archeological sites in Winneshiek County revealed no sites in the area. The area is far north of the accepted Indiana bat region.

Harvesting will only be allowed when the ground is firm, dry or frozen. Steep slopes will not be harvested. No harvesting will be allowed from December 1-17th, which is shotgun deer season, or between April 1 though July 31st. Access is through private land and access agreements have been developed and signed.

Sealed bids were received until 1 PM., Friday, September 15, 2006, at which time bids were opened and the sale will be awarded to the highest bidder.

The bids were as follows:

<u>TIMBER BUYER</u>	<u>BID AMOUNT</u>
Chris Grau, Grau Log & Lumber	\$23,237.00
Charles Downs	16,000.00
Jim West, Kendrick Forest Products	15,000.00
Ed Bruggeman, Sitco, Inc.	12,551.00
Jeremy Kubitz, J.Kubitz Logging	10,293.00

The successful bidder was Grau Log & Lumber and they must execute a timber sale contract with the State of Iowa by October 20, 2006, and make payment at that time. Trees must be removed with 18 months of signing the contract. Liability insurance is required. Buyers must be bonded.

SPECIES	# OF TREES	AV. BD. FT./TREE	EST. BD. FT.
Red, Black Oak	129	146	18,860
White Oak	123	112	13,750
White Elm	18	83	1,490
Red Elm	3	73	220
Basswood	22	139	3,060
Hard Maple	2	135	270
Ash	1	140	140
Black Cherry	8	99	790
Hickory	3	103	310
Birch	1	90	90
Butternut	1	70	70
Hackberry	1	70	70
Aspen	13	98	1,280
Walnut	13	123	1,660
Culls	102		
Totals	440		42,060

INFORMATION ITEM

Ken Herring commented on earlier discussions about bureaus working together for delivery of services. He said that in the past year the Wildlife Bureau and the Forestry Bureau pooled funds from each bureau to provide a staff person whose job would be to better manage the forests on state wildlife areas. Herring noted that the monies from these timber sales go into the Trust Fund and are dedicated to improving the forest resources and some of the salary considerations. He said it is a model and the hope is to expand it to other areas of the state.

Commissioner Garst commented that in planning how to work together that staff also work toward education of the public through signs, newspaper articles, etc. She said the department has a responsibility for not only our own land, but also in the need to lead the state because so

much of the land is in private hands. Garst said it is important to show the public the wonderful things that happen when lands are appropriately managed.

REAP 2006 CONSERVATION EDUCATION GRANTS

Ross Harrison, REAP Coordinator, presented the following item.

Annually, the first \$350,000 of the REAP appropriation is dedicated to conservation education. A conservation education board of five representatives of the following organizations determines how those funds are expended, under the REAP Act and administrative rules: DNR, Dept. of Education, Association of County Conservation Boards, Iowa Association of Naturalist, and the Iowa Conservation Education Council.

In its 17-year history, that board has issued almost \$6 million in grants to Iowa educators and education institutions. An explanation of grants in recent years, and a full explanation of the program can be found at www.iowaace.org. The board meets in June and November to issue grants on a competitive basis. The board approved the grants below in June. Those not selected are eligible to resubmit, and new requests will be accepted until November 1.

Applicant	Title	Total Grant	CEP Request	FUNDED AMT
IA Natural Heritage Foundation	Landowner's Options	\$44,440	\$15,840	\$15,840
Friends of Hartmann Reserve	Mussel Restoration	23,602	11,243	11,243
Hamilton County Ag Extension	Resource Conservation & Water Quality Curriculum	26,724	16,724	0
Jacqueline Comito	Conservation Among Iowa Farmers	66,400	48,500	0
Iowa Recycling Association	4 R's	41,568	30,208	14,400
Jasper Co Ag Extension	CSI Jacob Krumm	48,032	27,976	0
Iowa Environmental Council	06 IEC Annual Conference -- Ecological Footprint	15,960	9,879	5,000
UNI	Teaching Teachers and Future Teachers Solid Waste Alt.	24,454	10,805	10,805
ICEC	Wilderness and the Wildness Within	41,070	19,145	19,145
PrairieLand Watershed Alliance	Our River the Cedar	8,604	5,198	0
Gary Taylor, ISU Extension	Smart Growth Self-Audit Workbook and Workshops	29,535	24,776	0
UNI	Roadside Prairies	110,902	33,863	33,863
Totals		\$481,291	\$254,157	\$110,296

Ross Harrison briefly reviewed the history of the REAP Conservation Education Grants.

Commissioner Marcantonio questioned if the rule that gave the Department of Education autonomy still applies or if that is something that needs to be revisited.

Harrison responded that the rule represents the Code direction. Modifications over the years reflect changes such as that.

INFORMATION ITEM

APPOINTMENT

John Stone, Hopkinton, Iowa, spoke regarding the issue of block hunt zones. He gave the following statement: (Mr. Stone indicated some of the statement is irrelevant because he received his deer depredation permits that morning.)

“Today the issue is again block hunt zones—“...areas designated and delineated by wildlife biologists to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation.”

Our farm is in the Hopkinton block hunt zones. This area encompasses 20,000 to 22,000 acres—an area more than twice the size of the largest state holding of public timberland.

The criteria for its existence is that three producers have depredation management plans.

The problem:

- A. Few if any people within the zone are aware of it. A memo sent to former State Senator Kitty Rehberg states “The officers contact surrounding landowners and ask them to attend a public meeting to discuss the issue and ask them to cooperate and include their property in the hunting zone.” This happened once—in 2002. And in 2002, no one was asked—we were told.
- B. The game warden in Jones County has never heard of it—much less block zones in general.
- C. Our depredation permits stated in 2002 through 2005 that the permits are for our farm unit and adjacent property (with permission).
- D. Our depredation agreements stated the same. And “adjacent” does not mean within six miles of the farm.
- E. Personally, now I can’t get depredation licenses because only two producers received depredation permits this year.”

Mr. Stone went on to express concern that there is no NRC oversight of block zones, there are no administrative rules governing the implementation of the block zones and no internal rules governing the implementation of the block zones. Mr. Stone added that there is one person – an entry level depredation biologist in charge of that huge region. He said that biologist indicated that he can designate an area as a block hunt or can designate that area as no longer considered a block hunt but that he is not aware of any written format or has no knowledge of such rules. Mr. Stone said that he does not believe one man should have this amount of power over an area when he has no oversight from his superiors or the commission.

Ken Herring said rules, in general, are a work in progress. As the department started implementing and continues with the depredation program those rules often changed. He said that 106.11(8) has a paragraph relating to block rules. He said that section is rather broad and gives flexibility to address these concerns.

Herring explained the concept of a block zone hunt and described theoretical scenarios of a depredation block zone hunt. He offered to review the depredation block zone rules and at a later meeting provide an agenda item to answer questions and provide more information to address the issue.

John Stone commented that it seems that the premise within the DNR is that the only damage from wildlife comes from corn and beans and crops. He said the forest system in Iowa is probably as important as or more important than corn and beans and a lot of damage is done in the timber.

Pam Mackey Taylor, representing the Marion Sierra Club, spoke about urban deer hunts. She provided a September 23 letter written to the Commissioners as a response to the correspondence from Dale Garner. She said the Sierra Club is not opposed to bow hunting of deer and her comments are strictly dealing with the process of allowing urban deer hunts and the fact that urban deer hunts are approved by the NRC before the cities approve their deer hunts. She asked that cities be required to approve their urban deer hunts before NRC gives their approval.

Commissioner Marcantonio said she agrees that the cities should approve their urban deer hunt before coming to the Commission for approval. She said that currently this circumvents public participation in the process at the community level. She questioned why the Commission votes on something that is not coming from the authorizing authority—the city council.

Diane Ford-Shivvers responded that the Commission approval only allows the city to move forward with plans for an urban deer hunt. She said the city contacts the DNR to ask for that authorization but the final decision on whether the hunt actually takes place lies with the city.

Director Vonk remarked that timing is an issue. He said that under the rules of general operation, the approval to hold a hunt has to be published early enough to allow for public comment and input which all take time. He reiterated that NRC approval only authorizes the city to hold the hunt if they choose to.

Pam Mackey Taylor explained that the first year in Cedar Rapids the Deer Task Force had not voted on having a hunt when it was approved by the NRC. The second year the Deer Task Force did not meet so somebody, who in past had been the head of the Deer Task Force, came to the DNR and asked for approval before the city had voted. The approval was already granted by the NRC in June, the City approved it in August, and it was published in September.

Commissioner Marcantonio again stated that recommendations from the task force, which is an advisory group, should be made to their governing authority, the city council. The finalized plan from the city council should then come to DNR requesting approval to hold an urban deer hunt. She said she does not feel the Commission should vote to authorize an urban deer hunt until the DNR receives a finalized plan from the city council.

Motion was made by Commission Garst for DNR to contact the cities to work in consultation on a timeline and a procedure that will work with the department's publication requirements for a process for approving urban deer hunts.

Discussion continued regarding procedures on urban deer hunts. Clarification was made that

this subject was not noticed to the public and a motion may be inappropriate.

Director Vonk remarked that the Commission could direct staff to contact cities and come back with an agenda item at a future meeting with a report or a proposed change. He explained that the department is required to manage the deer herd and it is the commission's responsibility to authorize the hunt.

Commissioner Duncan replied that he thinks the procedure currently being used is adequate because the cities are ultimately making the decision on their urban deer hunts.

Commissioner Moore said he agrees because DNR is just providing the structure that they can use. They are ultimately making the decision.

Motion was seconded by Commissioner Marcantonio. Roll call vote was as follows: Lennis Moore – no; Randy Duncan – no; Liz Garst – yes; Janice Marcantonio – yes; Joan Schneider – no. Commissioners Francisco and Kramer were absent. Motion failed on a 2-3 vote.

URBAN DEER HUNT MOTION FAILED

APPOINTMENT

Patsy Ramacitti, presented a brief history of the Mississippi River Parkway Commission (MRPC). It was formed in 1938 to develop plans for what has become the Great River Road, a 3000 mile designated route through 10 states that border the Mississippi River. The Parkway Commission continues to support, preserve and enhance the resources and economic opportunities of the Mississippi River Valley and to develop and amenities along the Great River Road. The Iowa Parkway Commission was organized by Iowa statute in June of 1959. The Iowa Commission is appointed by the Governor and includes one representative from each of the 10 counties that border the river and is politically and gender balanced. Kim Francisco is the NRC representative on that Commission.

Ms. Ramacitti talked about the stakeholder meetings, policy changes and the grants from the National Scenic Byways. She suggested that DNR participate in workshops to coordinate dialogue and common projects to take to the national organization.

CITY OF DUBUQUE AND COUNTY CONSERVATION BOARD ACCOMPLISHMENTS WITH REAP

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The City of Dubuque and the Dubuque County Conservation Board have had great success in acquiring REAP City and County Conservation grants in recent years. Both entities are

justifiably proud of the improvements they have brought to their citizens and wish to share their accomplishments with the NRC.

Laura Carstens, City of Dubuque gave a power point presentation on what REAP has helped the city/county accomplish as a result of acquiring REAP City and County Conservation grants.

INFORMATION ITEM

GENERAL DISCUSSION

No General Discussion

NEXT MEETING DATES

The next meeting will be held November 9, 2006 in Des Moines.

ADJOURNMENT

<i>Motion was made by Commissioner Marcantonio to adjourn the meeting October 12, 2006 NRC meeting. Seconded by Commissioner Moore. Meeting adjourned at 11:25 a.m..</i>
--

Jeffrey R. Vonk, Director

Joan Schneider, Chairperson

Elizabeth Garst, Secretary

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